



**APPLICATIONS ACCEPTED:** June 15, 2011  
**PLANNING COMMISSION:** June 14, 2012  
**BOARD OF SUPERVISORS:** July 10, 2012  
@ 3:30 p.m.

## County of Fairfax, Virginia

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**May 31, 2012**

### **STAFF REPORT**

**APPLICATIONS RZ/FDP 2011-LE-016**  
**Waiver #5490-WPFM-002-1**

### **LEE DISTRICT**

**APPLICANT:** Insight Property Group, LLC

**EXISTING ZONING:** Residential – Four Dwelling Units Per Acre (R-4),  
Neighborhood Retail Commercial District (C-5),  
Highway Corridor Overlay (HC),  
Commercial Revitalization District (CRD)

**PROPOSED ZONING:** Planned Residential Mixed Use (PRM),  
HC, CRD

**PARCELS:** 83-3 ((4)) A,  
83-3 ((11)) 2, 3, 4, 5 and 6

**ACREAGE:** 3.38 acres

**FLOOR AREA RATIO (FAR):** 1.74 Floor Area Ratio (including affordable units)

**DWELLING UNITS PER ACRE:** 72.48 du/ac (including affordable units)

**OPEN SPACE:** 28%

**PLAN MAP:** Residential Mixed Use Option up to 1.40 FAR

**PROPOSAL:** Rezone the 3.38 acres site for the development of a  
multi-family residential building for 245 dwelling units,  
including affordable units.

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William Mayland, AICP

## STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2011-LE-016 and the associated Conceptual Development Plan (CDP), subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report

Staff recommends approval of FDP 2011-LE-016, subject to the proposed Final Development Plan conditions contained in Appendix 2 of the staff report and the Board of Supervisors approval of RZ 2011-LE-016 and the associated Conceptual Development Plan (CDP).

Staff recommends approval of a waiver #5490-WPFM-002-1 of Section 6-0303.8 of the Public Facilities Manual (PFM) to allow for an underground stormwater vault on a residential property subject to the waiver conditions dated March 15, 2012 in Attachment 3A of Appendix 3 of the staff report.

Staff recommends approval of a waiver of Section 12-0508 of the Public Facilities Manual for the tree preservation target.

Staff recommends approval of a modification of the loading spaces requirements of Section 11-203 of the Zoning Ordinance to provide one space instead of four spaces.

Staff recommends approval of a modification of Section 13-303 for the transitional screening requirement and Section 13-304 of the Zoning Ordinance for the barrier requirement along the western and northwestern boundary subject to the landscaping and barrier as shown on the CDP/FDP.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicants/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

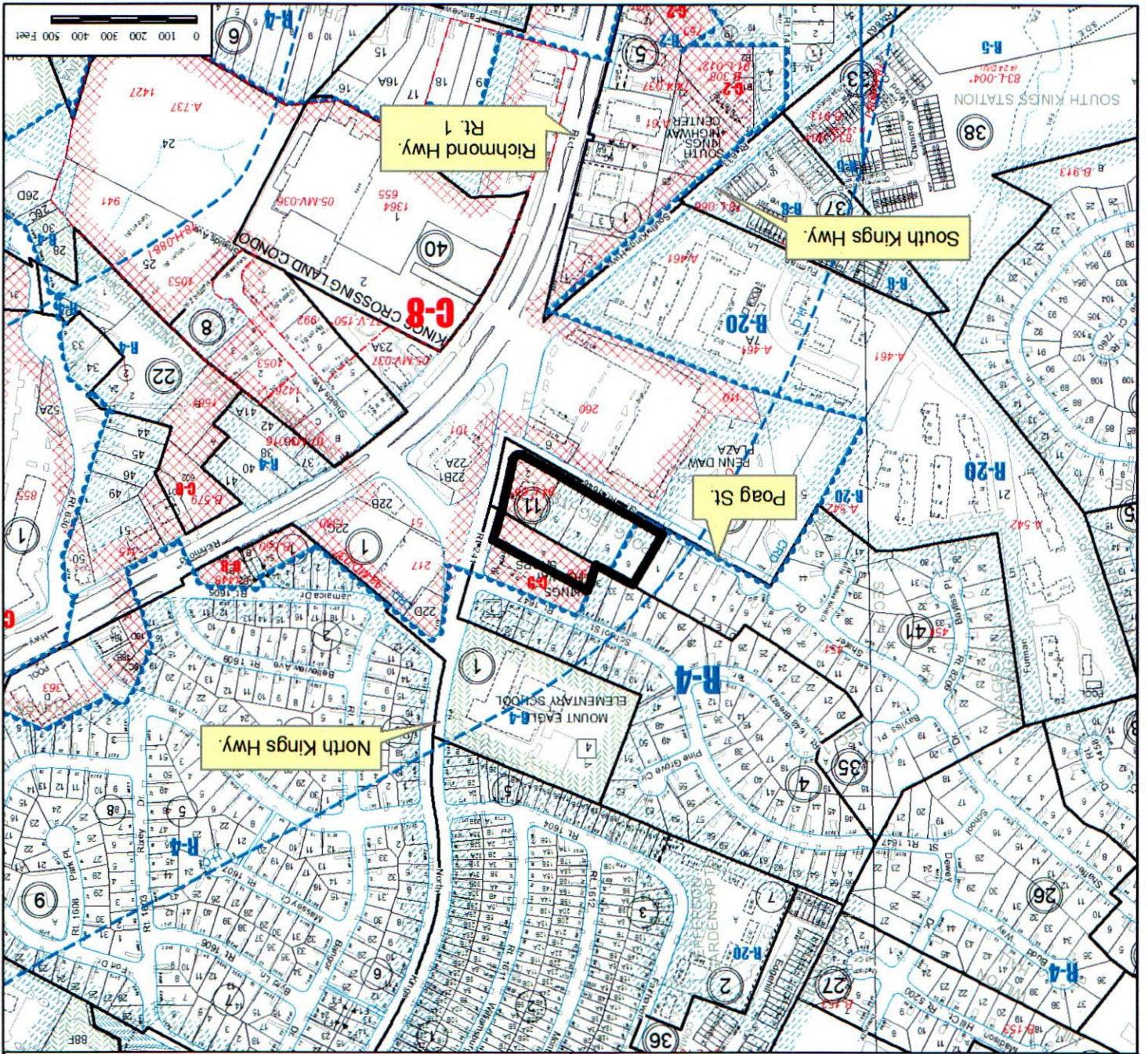
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).

O:\Bmayla\RZPCA\RZ 2011-LE-016 Insight



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice.  
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).





## Rezoning Application

Applicant: INSIGHT PROPERTY GROUP, LLC  
 Accepted: 06/15/2011  
 Proposed: MIXED USE  
 Area: 3.38 AC OF LAND; DISTRICT - LEE  
 Located: NORTHWEST QUADRANT OF THE INTERSECTION OF NORTH KINGS HIGHWAY AND POAG STREET  
 Zoning: FROM R-4, C-5 TO PRM  
 Overlay Dist: CRD, HC  
 Map Ref Num: 083-3-/04/ / A /11/ /0002 /11/ /0003 /11/ /0004 /11/ /0005 /11/ /0006

## Final Development Plan


Applicant: INSIGHT PROPERTY GROUP, LLC  
 Accepted: 06/15/2011  
 Proposed: MIXED USE  
 Area: 3.38 AC OF LAND; DISTRICT - LEE  
 Located: NORTHWEST QUADRANT OF NORTH KINGS HIGHWAY AND POAG STREET  
 Zoning: PRM  
 Overlay Dist: CRD, HC  
 Map Ref Num: 083-3-/04/ / A /11/ /0002 /11/ /0003 /11/ /0004 /11/ /0005 /11/ /0006



[illegible]

**TRAFFIC ENGINEER**  
**WELLS & ASSOCIATES, INC.**  
1141 ROBERTSON DRIVE  
SUITE 201  
MANASSAS, VA. 20109

COVER SHEET	SHEET 01 OF 24
CITY VIEW CDP/FDP LEG DISTRICT FAIRFAX COUNTY, VIRGINIA CL: n/a	DATE: MARCH 2011
SCALE: n/a	ZIP: 22093

 <b>urban</b> SOLUTIONS LTD. Phone: 8. 899999 Fax: 8. 899999 www.urban.co.uk	PLAN DATE		REVISED	
	04-27-11		REVISED	
	04-27-11		REVISED	
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1 04-27-11		1 04-27-11		
2 04-27-11		2 04-27-11		
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9 04-27-11		9 04-27-11		
10 04-27-11		10 04-27-11		





# NOTES

1. THE PROPERTIES DELINEATED HEREON ARE LOCATED ON FAIRFAX COUNTY TAX MAP #083-3-11-0002 & 083-1-04-A, CURRENTLY ZONED C-5, AND 083-3-11-0003, 0004, 0005, 0006, CURRENTLY ZONED R-4.
2. BOUNDARY INFORMATION SHOWN HEREON IS TAKEN FROM ALTA/ACSM LAND TITLE SURVEY PREPARED BY URBAN, LTD, SEPTEMBER, 2010.

## CURVE DATA

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	BEARING
1	3778.67'	100.65'	1°21'34"	50.33'	100.65'	S15°13'33"W
2	25.00'	46.86'	107°24'04"	34.03'	40.30'	S65°43'47"W

## DESCRIPTION

LOT 2, SECTION ONE, POAG HEIGHTS, AS THE SAME APPEARS DULY DEDICATED, PLATTED AND RECORDED IN DEED BOOK 555, AT PAGE 316, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA, AND BEING PART OF THE SAME PROPERTY CONVEYED TO GEORGE W. SPICER AND AGNES G. SPICER BY DEED RECORDED IN DEED BOOK 9486, AT PAGE 846, AMONG THE AFORESAID LAND RECORDS.

LOT 3, SECTION ONE, POAG HEIGHTS, AS THE SAME APPEARS DULY DEDICATED, PLATTED AND RECORDED IN DEED BOOK 555, AT PAGE 316, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA, AND BEING THE SAME PROPERTY CONVEYED TO GEORGE W. SPICER AND AGNES G. SPICER AS TO A ONE THIRD (1/3) INTEREST BY DEED RECORDED IN DEED BOOK 6792, AT PAGE 2, AND THE SAME PROPERTY CONVEYED TO GEORGE W. SPICER AND AGNES G. SPICER AS TO A TWO-THIRDS (2/3) INTEREST BY DEED RECORDED IN DEED BOOK 8036, AT PAGE 928, AMONG THE AFORESAID LAND RECORDS.

LOT 4, SECTION ONE, POAG HEIGHTS, AS THE SAME APPEARS DULY DEDICATED, PLATTED AND RECORDED IN DEED BOOK 555, AT PAGE 316, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA, AND BEING THE SAME PROPERTY CONVEYED TO GEORGE W. SPICER AND AGNES G. SPICER BY DEED RECORDED IN DEED BOOK 10228, AT PAGE 1042, AMONG THE AFORESAID LAND RECORDS.

LOTS 5 AND 6, SECTION ONE, POAG HEIGHTS, AS THE SAME APPEARS DULY DEDICATED, PLATTED AND RECORDED IN DEED BOOK 555, AT PAGE 316, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA, AND BEING THE SAME PROPERTY CONVEYED TO GEORGE W. SPICER AND AGNES G. SPICER BY DEED RECORDED IN DEED BOOK 7332, AT PAGE 1587, AMONG THE AFORESAID LAND RECORDS.

PARCEL THREE (3), PENN-DAW VILLAGE, AS SHOWN ON PLAT ATTACHED TO A DEED RECORDED IN DEED BOOK 883, AT PAGE 285, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERN LINE OF POAG STREET, 50 FEET WIDE, SAID POINT ALSO BEING THE SOUTH EAST CORNER OF ELLIE M. CAMPBELL, AS ACQUIRED BY DEED BOOK 1581 AT PAGE 844 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE LAND HEREIN DESCRIBED, THENCE DEPARTING SAID POAG STREET AND RUNNING WITH THE EASTERN LINE OF SAID CAMPBELL.

NORTH 29°25'48" EAST 200.00 FEET TO A POINT ON THE SOUTHERN LINE OF BRENDA K. HOLLINS, AS ACQUIRED IN DEED BOOK 12054 AT PAGE 1476, THENCE DEPARTING SAID CAMPBELL AND RUNNING WITH THE LINES OF SAID HOLLINS AND WITH THE LINES OF CHONG LEE, AS ACQUIRED IN DEED BOOK 17458 AT PAGE 1198.

NORTH 60°34'11" EAST 149.57 FEET TO A POINT; THENCE NORTH 16°32'32" EAST 100.00 FEET TO A POINT ON THE SOUTHERN LINE OF 1004 KINGS, LLC, AS ACQUIRED IN DEED BOOK 16860 AT PAGE 857, THENCE DEPARTING SAID LEE AND RUNNING WITH THE SOUTHERN LINE OF SAID 1004 KINGS, LLC.

SOUTH 60°34'11" EAST 374.87 FEET TO A POINT ON THE WESTERN LINE OF NORTH KINGS HIGHWAY, ROUTE 241, NORTH VARIES; THENCE DEPARTING SAID 1004 KINGS, LLC AND RUNNING WITH THE WESTERN LINES OF SAID NORTH KINGS HIGHWAY.

100.85 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 3,778.67 FEET AND A CHORD THAT BEARS SOUTH 15°03'33" WEST 100.65 FEET TO A POINT; THENCE

NORTH 60°34'11" WEST 3.48 FEET TO A POINT; THENCE SOUTH 12°01'45" WEST 175.56 FEET TO A POINT; THENCE 45.86 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET AND A CHORD THAT BEARS SOUTH 65°43'47" WEST 40.30 FEET TO A POINT ON THE NORTHERN LINE OF SAID POAG STREET; THENCE DEPARTING SAID NORTH KINGS HIGHWAY AND RUNNING WITH SAID POAG STREET.

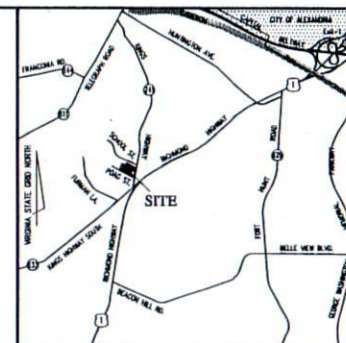
NORTH 60°34'11" WEST 552.17 FEET TO THE POINT OF BEGINNING CONTAINING 147,349 SQUARE FEET OR 3.3827 ACRES, MORE OR LESS.

## AREA TABULATION

LOT 2	30,707 S.F. OR 0.7050 ACRES
LOT 3	20,000 S.F. OR 0.4591 ACRES
LOT 4	20,000 S.F. OR 0.4591 ACRES
LOT 5	20,000 S.F. OR 0.4591 ACRES
LOT 6	20,000 S.F. OR 0.4591 ACRES
PARCEL 3	36,642 S.F. OR 0.8413 ACRES
<b>TOTAL</b>	<b>147,349 S.F. OR 3.3827 ACRES</b>

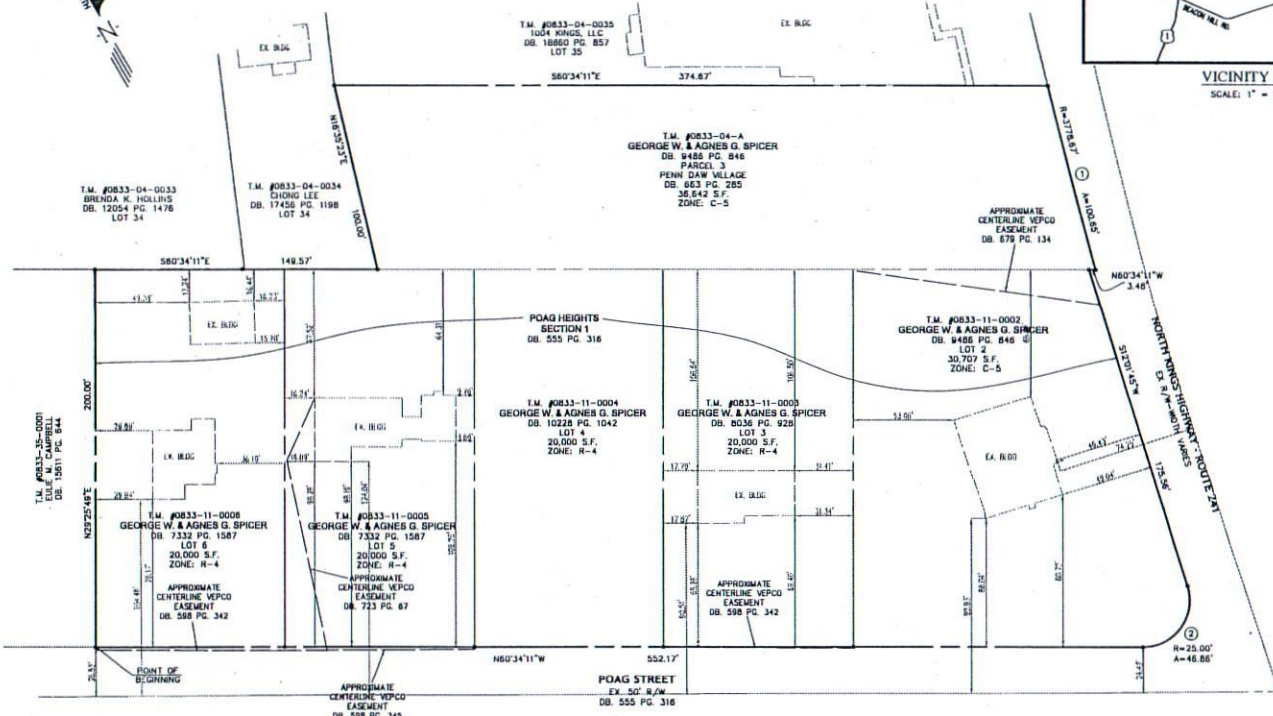
## OWNER

T.M. #083-3-11-0002, #083-1-04-A  
T.M. #083-3-11-0003, 0004, 0005, 0006  
GEORGE W. SPICER AND AGNES G. SPICER  
5714 TREMONT DRIVE  
ALEXANDRIA, VA 22303  
DEED BOOK 7332, PAGE 1587  
DEED BOOK 8036, PAGE 928  
DEED BOOK 9486, PAGE 846  
DEED BOOK 10228, PAGE 1042



## VICINITY MAP

SCALE: 1" = 2000'



CERTIFIED ZONING PLAT  
CITY VIEW  
CDP/DP  
LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
CL=NA

DATE: MARCH 2011  
SCALE: 1" = 30'

SHEET 03 OF 24

ZP-12593

## CERTIFIED ZONING PLAT

LOTS 2, 3, 4, 5, & 6

SECTION 1

POAG HEIGHTS

DB. 555 PG. 316

PARCEL 3

PENN DAW VILLAGE

DB. 663 PG. 285

FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30' DATE: MARCH, 2011



urban.

Planners Engineers Landscape Architects Land Surveyors

Urban, Ltd.  
7713 Little River Turnpike  
Alexandria, Virginia 22304  
Tel: 703.642.8800  
Fax: 703.642.8251  
www.urban-ltd.com

SHEET 1 OF 1







05  
OF  
SHEET

0.30

$$V/N =: T$$

FAIRFAX COUNTY, VIRGINIA

CDF/FDF

CITY VIEW  
CDB/EDP

GEOMETRIC MEAN

GEOMETRY PLAN

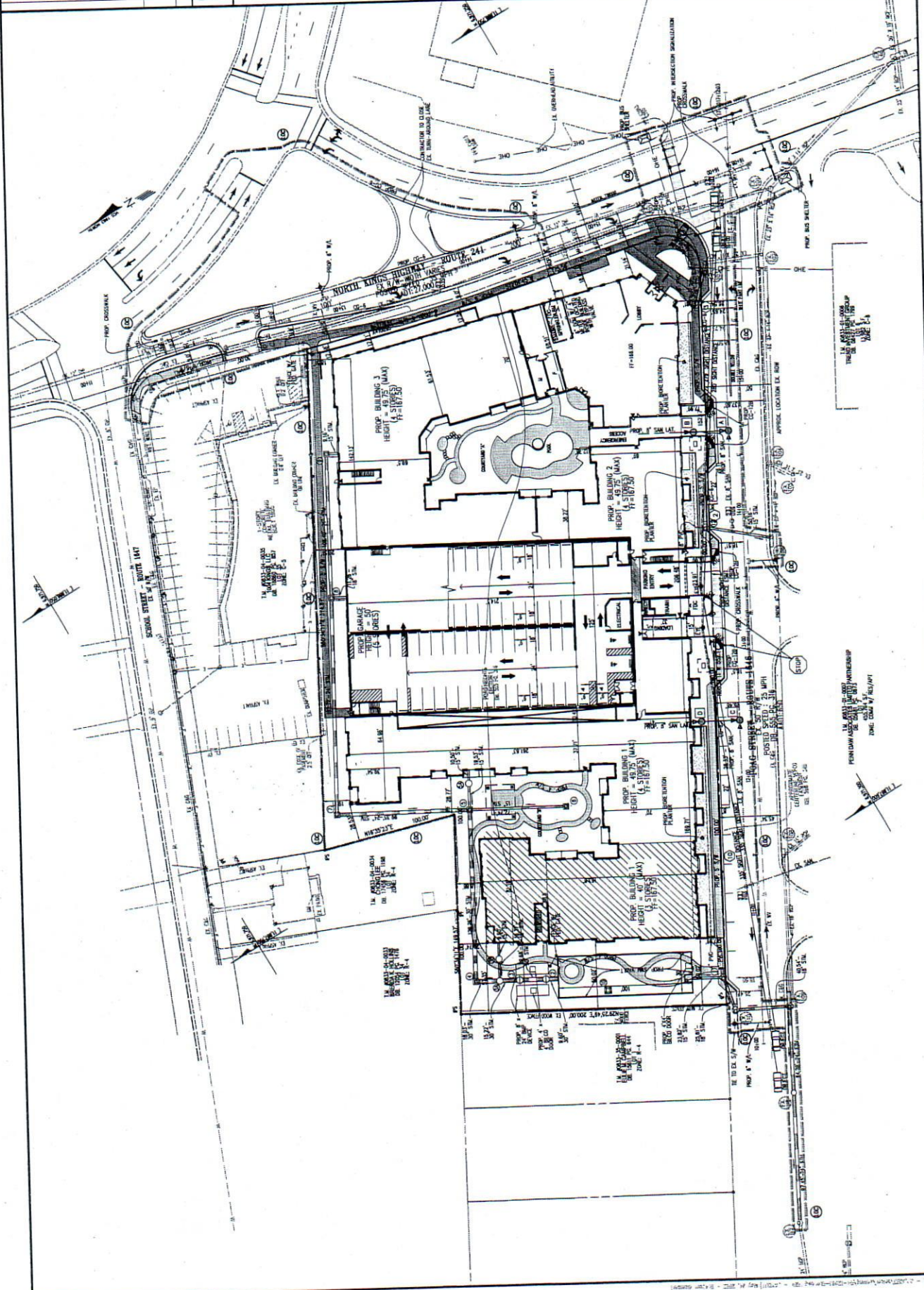
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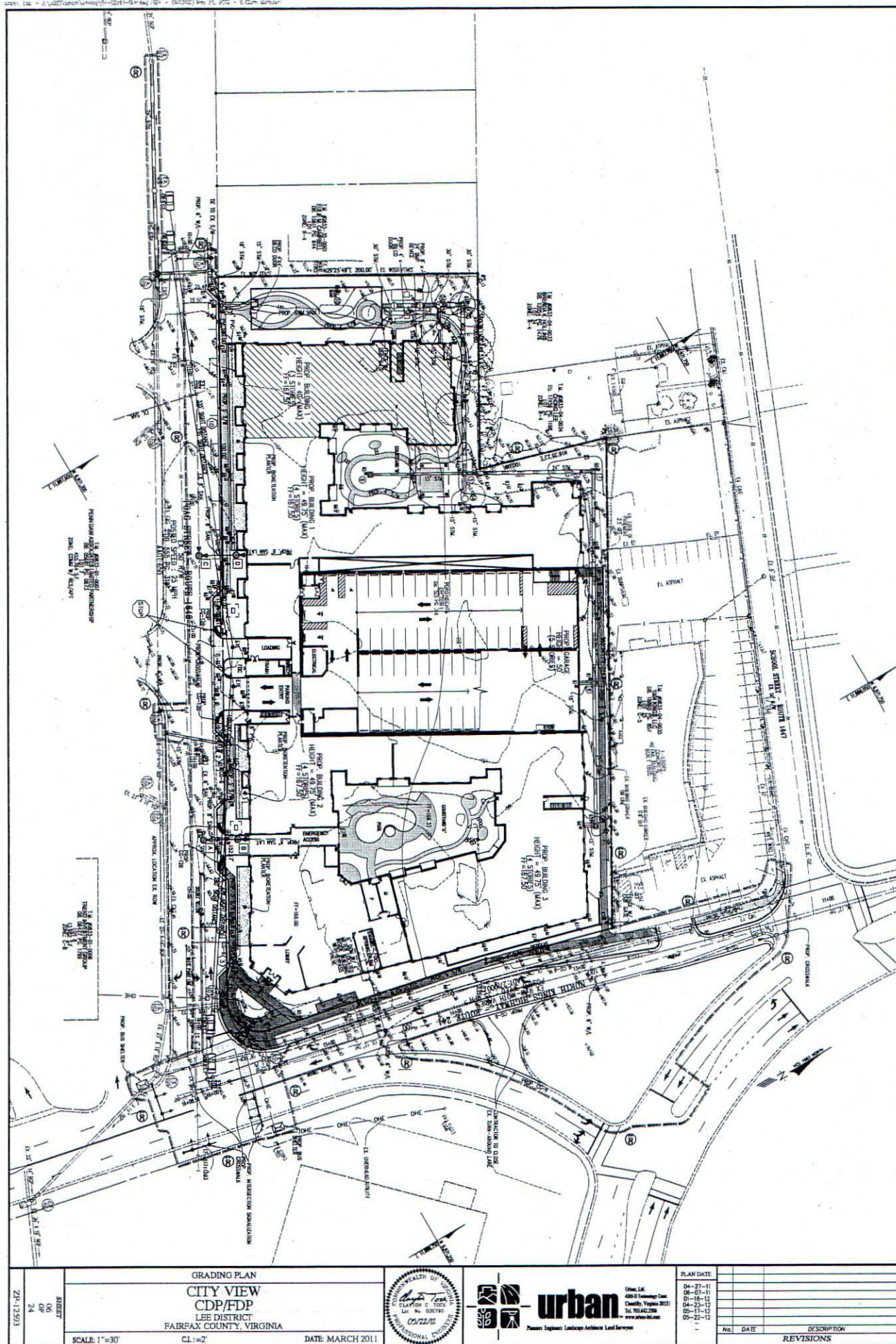
**urban**

PLAN DATE	
04-27-11	
06-07-11	
01-18-12	
04-23-12	
05-17-12	
05-22-12	

No.	DATE









## OUTFALL NARRATIVE

[illegible]

## CAMERON RUN WATERSHED

### POINT OF CONFLUENCE "A":

APPROXIMATELY 2.78 ACRES OF THE SUBJECT SITE (0.15 ACRES UNDEVELOPED) ARE DISCHARGED INTO AN EXISTING CLOSED CONDUIT SYSTEM AT STORM STRUCTURE EXIT WHICH LEADS TO THE POINT OF CONFLUENCE "A". IN ADDITION TO THE 2.79 ACRES GAGEE, AN ADDITIONAL 0.44 ACRES OF OFFSITE AREA WILL FLOW TO THE EXISTING STORM STRUCTURE EXIT. THE TOTAL FLOW OF 3.22 ACRES WILL THEN BE CARRIED THROUGH THE EXISTING CLOSED CONDUIT SYSTEM TO EXISTING STORM STRUCTURE EXIT, WHERE IT OUTFALLS INTO A NATURAL STREAM SITUATION. THIS FLOW AT THE POINT OF CONFLUENCE IS JOINED BY THE OUTFLOW FROM AN EXISTING POND HAVING A DRAINAGE AREA OF 22.21 ACRES. HIS FLOW IS THEREFORE 25.93 ACRES. THE TOTAL FLOW OF 29.15 ACRES WILL THEN BE CARRIED DOWNSTREAM AS FOLLOWS:

FROM 0-0.632+0, WHERE A RECEIVING PIPE OR CHANNEL IS JOINED BY ANOTHER THAT HAS A DRAINAGE AREA THAT IS APPROXIMATELY 1.36 ACRES, THE TOTAL FLOW OF 30.51 ACRES WILL BE CARRIED DOWNSTREAM.

FROM 0.632+0, WHERE THE SIZE OF THE FIRST DRAINAGE AREA, THEREFORE THE 22.21 ACRE DRAINAGE AREA OF THE EXISTING POND MEETS THE BOX SIZE REQUIREMENT FOR THE 3.22 ACRES OF THE FIRST PIPE, AN ADDITIONAL 1.36 ACRES IS PICKED UP BY THE CLOSED CONDUIT SYSTEM EN ROUTE TO THE OUTFALL POINT, AND A TOTAL OF 27.18 ACRES WILL PASS THROUGH THE NATURAL STREAM AT THE POINT OF CONFLUENCE. VALUES OF 8.40 AND 7.27 KITCHENS PER HOUR WERE USED AS THE 2-YEAR AND 10-YEAR UNIT INTENSITIES RESPECTIVELY, AND A LAKELAND DISTANCE FACTOR OF 1.0 WAS ASSUMED.

FROM 1.064+0, THE TOTAL FLOW OF 28.85 ACRES WILL BE CARRIED DOWNSTREAM. THE 10-YEAR STORM SHALL BE 11.110 CFS AND 148.20 FT/S, RESPECTIVELY, AS DIRECTED BY THE PWM #6-00230-20. THE ANALYSIS MUST BE TO A POINT WHERE ALL CROSS-SECTIONS ARE ADEQUATE IN THE FARTHEST DOWNSTREAM REACH OF 150 FEET. A MINIMUM OF THREE CROSS-SECTIONS SHALL BE PROVIDED IN THE 150'-FOOT REACH". AS CAN BE SEEN FROM THE OVERMAP ON THIS SHEET, THREE CROSS-SECTIONS (#1-1, 2-2, AND 3-3) HAVE BEEN SELECTED AND FIELD VERIFIED FOR ANALYSIS. THE CROSS-SECTION PROFILES AND COMPUTATIONS ARE PROVIDED ON SHEET NO. PICTURE #1 ON SHEET OR REPRESENTS A TYPICAL PROFILE OF THE NATURAL STREAM AND VERIFIES THAT THE STREAM BED IS STORY AND CONSISTS OF COLLOIDAL ALLUVIAL SILTS, WHICH HAVE A MAXIMUM PERMISSIBLE VELOCITY OF 5.0 FT PER SECOND. THE MAXIMUM CALCULATED VELOCITY OF 11.110 FT/SEC DOES NOT EXCEED THE PERMISSIBLE VELOCITY OF 5.0 FT/SEC.

ADDITIONALLY, THE NORMAL DEPTH OF THE 10-YEAR STORM DOES NOT OVER TOP THE BANKS AT ANY OF THE CROSS-SECTIONS.

A PIPE ANALYSIS HAS ALSO BEEN DONE FROM THE SITE TO THE OUTFALL POINT OF THE CLOSED CONDUIT SYSTEM, AND CAN BE VIEWED ON SHEET DB. PIPE INFORMATION HAS BEEN TAKEN FROM A COMBINATION OF FIELD VERIFIED AND COUNTY GIS INFORMATION.

## Belle Haven Watershed

POINT OF CONFLUENCE "B":

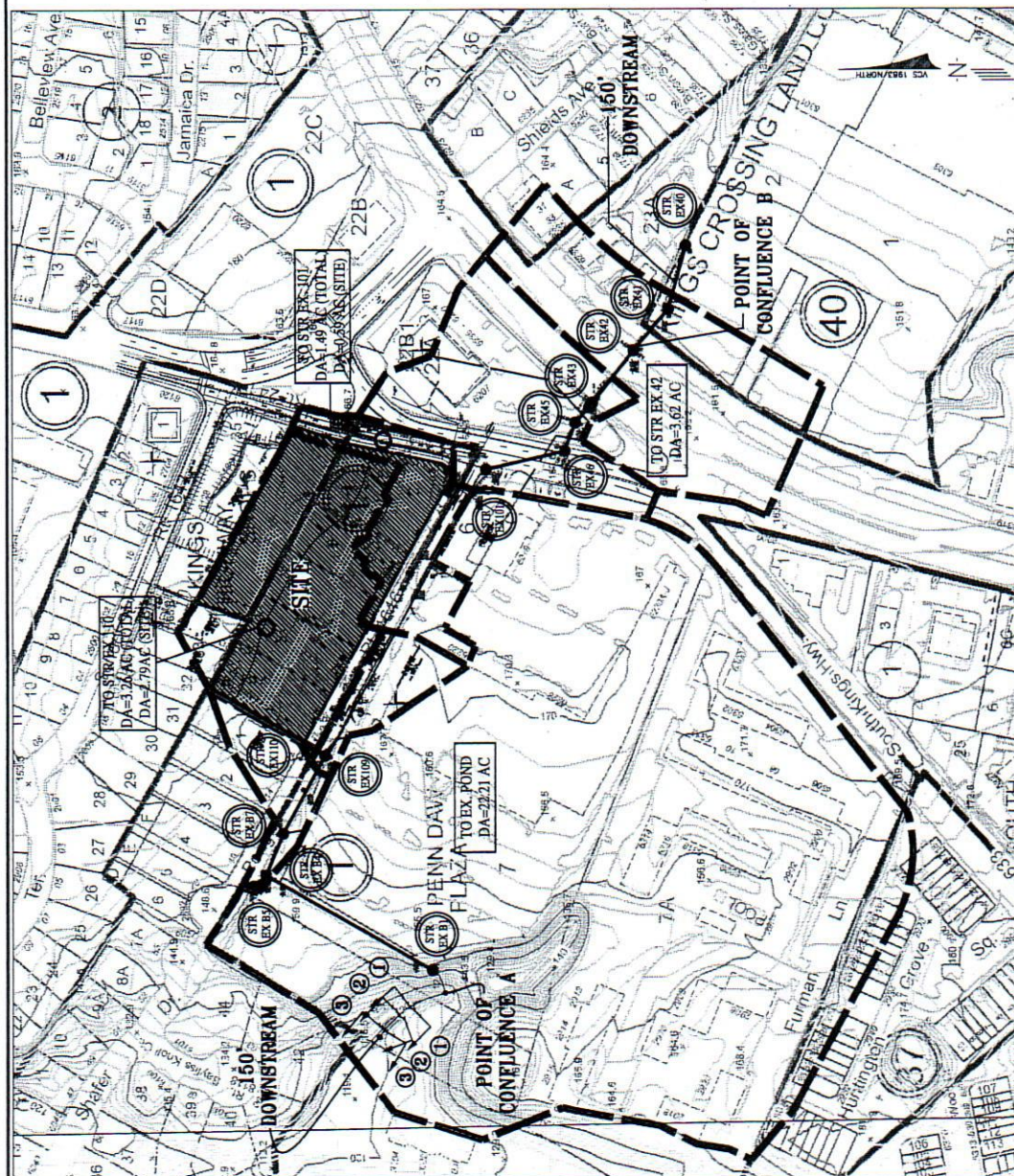
AS PREVIOUSLY STATED, THIS SITE HAS BEEN DESIGNED IN THAT THE POST DEVELOPMENT DRAINAGE AREA AND IMPERVIOUSNESS DRAINING TO THE BELLE HAVEN WATERSHED IS IDENTICAL TO THE PRE DEVELOPMENT CONDITION. APPROXIMATELY 0.39 ACRES OF THE SUBJECT SITE UNCONTROLLED AND DISCHARGE INTO AN EXISTING CLOSED CONDUIT SYSTEM TO THE SOUTH EAST OF THE SITE LEADING TO POINT OF CONFLUENCE "B". IN ADDITION TO THE 0.24 ACRES OF THE SOUTH EAST OF THE SITE, AN ADDITIONAL 1.239 ACRES WILL FLOW TO EXISTING STORM STRUCTURE EN48. THE TOTAL FLOW OF 1.83 ACRES WILL THEN BE CARRIED THROUGH THE EXISTING CLOSED CONDUIT SYSTEM TO EXISTING STORM STRUCTURE EN42, WHERE IT IS JOINED BY ANOTHER PIPE RUN HAVING A DRAINAGE AREA OF 3.82 ACRES. THIS POINT OF CONFLUENCE HAS BEEN DETERMINED BASED ON THE FAIRFAX COUNTY FACILITIES MANUAL 8-0203.24 WHERE A RECEIVING PIPE IS JOINED BY ANOTHER THAT HAS A DRAINAGE AREA THAT IS AT LEAST 90% OF THE SIZE OF THE FIRST PIPE. THE DRAINAGE AREA OF THE FIRST PIPE BEING 1.83 ACRES, AND THE SECOND PIPE AT THIS POINT OF CONFLUENCE HAS A DRAINAGE AREA OF 22.17 ACRES. PIPE ANALYSIS HAS BEEN DONE FROM THE SITE OUTFALL POINT TO 150 FEET PAST THE POINT OF CONFLUENCE ON SHEET 05. PIPE INFORMATION HAS BEEN TAKEN FROM A COMBINATION OF FIELD RESEARCH INFORMATION, THE COMPUTATION PROVIDED ON SHEET 06 SHOW THAT SOME OF THE PIPES ARE ABOVE GRADE CAPACITY AND THEREFORE SOME OF THESE PIPES DO NOT MEET THE REQUIREMENTS OF THE 1977 FLOOD DAMAGE PREVENTION ACT. THEREFORE, THE PIPES ARE TO BE REPLACED WITH 36" DIA. 150' LONG PIPES. THE REASON WE BELIEVE THIS PIPE RUN AND THERE ARE NO KNOWN DRAINAGE PROBLEMS FOR THIS RUN OF PIPE. FOR THIS REASON WE BELIEVE THAT THIS PIPE SYSTEM IS ADEQUATE FOR THE PROPOSED IMPROVEMENTS TO THE SITE.

AS A PROFESSIONAL ENGINEER, IT IS THE OPINION OF URBAN ENGINEERING & ASSOCIATES, INC THAT AN ADEQUATE OUTFALL EXISTS AND THERE WILL BE NO ADVERSE IMPACT TO THE DOWNSTREAM PROPERTIES, WATERCOURSES OR FACILITIES INTO WHICH SUCH OUTFALLS ARE DISCHARGED.

05/22/12	DATE
<i>Clayton C. Took</i>	URBAN ENGINEERING & ASSOCIATES, INC.
	CLAYTON C. TOOK, P.E., ASSOCIATE

**BELLE HAVEN WATERSHED NOTE:**

**BELLE HAVEN WATERSHED NOTE.**  
THIS SITE HAS BEEN DESIGNED SUCH THAT THE ONSITE POST DEVELOPMENT DRAINAGE AREA AND IMPERVIOUSNESS DRAINING TO THE BELLE HAVEN WATERSHED IS EQUIVALENT TO THE PRE DEVELOPMENT DRAINAGE AREA AND IMPERVIOUSNESS.





Log time

## HYDRAULIC GRADE LINE COMPUTATIONS

HORIZONTAL SCALE: 1"=20'; VERTICAL SCALE: 1"=20'



PICTURE 11: TYPICAL CROSS SECTION SHOWS THE TYPICAL STEAMERD LIVING FOR CROSS SECTIONS 1-1, 2-2, AND 3-3 AS BEING NATURALLY STORM, SOIL TYPE FOUND IN THIS AREA IS OF THE BRODSKO VARET, A COLLOIDAL ALUMINA SILT.

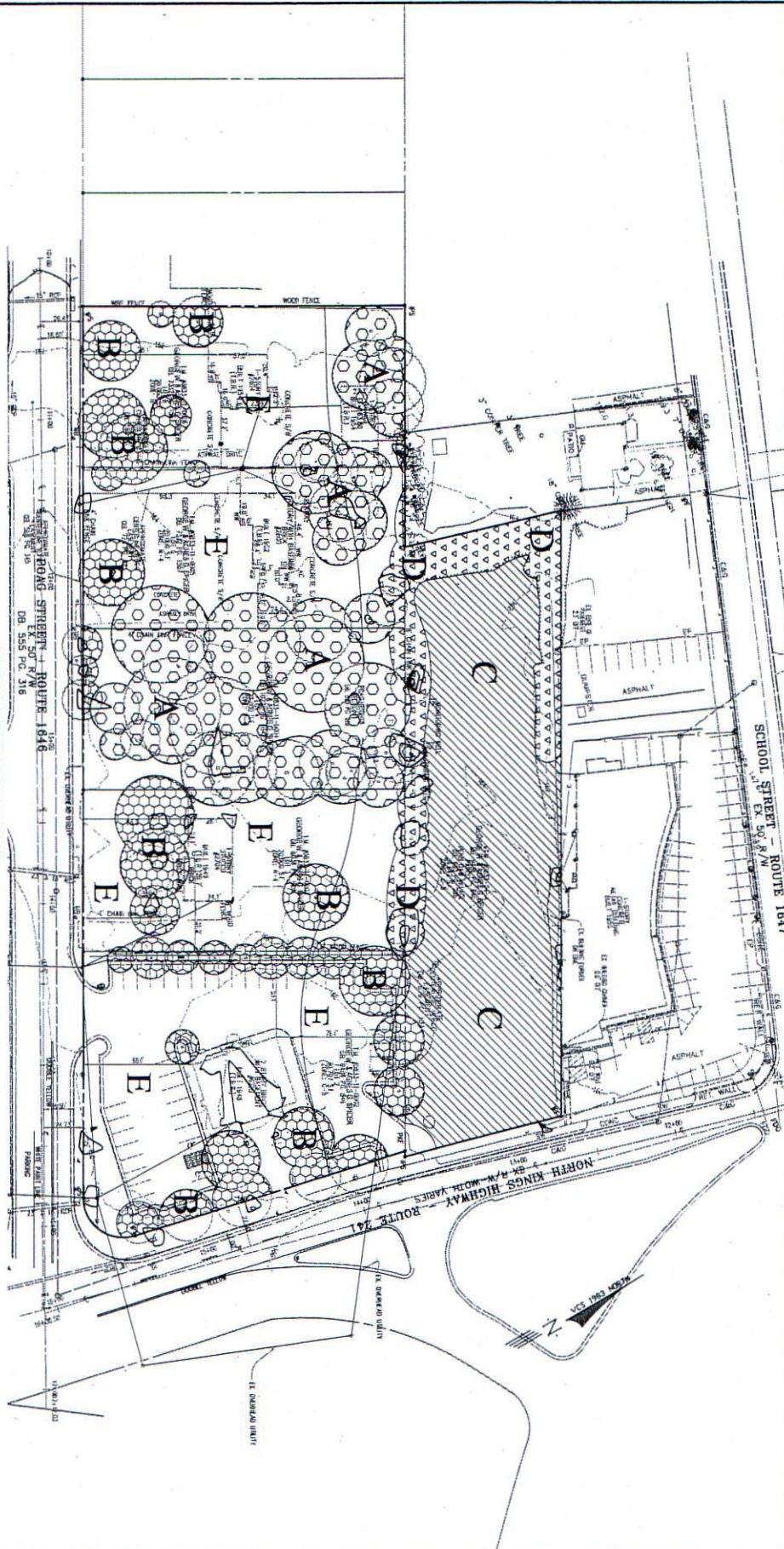


Note: Field data collected during site visit on November 30, 2010.

Key	Cover Type	Primary Species	Succesional Stage	Condition	Area	Comments
A	Upland Forest	Sweetgum ( <i>Liquidambar styraciflua</i> ), Red Maple ( <i>Acer rubrum</i> ), Eastern Red Cedar ( <i>Juniperus virginiana</i> )	climax	fair-good	0.64 ac.	This cover type consists solely of scattered large mature trees, primarily Sweetgum (12'-25' dbh) and Red Maple (10'-21' dbh). Groundcover consists of occasionally mowed grasses with little to no invasive vegetation present. Due to the occasional mowing, no understory trees exist and therefore, no regeneration is currently possible.
B	Undeveloped Tree Canopy	Red Maple, Sweetgum, Eastern Red Cedar, Willow Oak ( <i>Quercus phellos</i> ), Pin Oak ( <i>Quercus palustris</i> ), Southern Magnolia ( <i>Magnolia grandiflora</i> ), Northern Catalpa ( <i>Catalpa speciosa</i> )	n/a	fair-good	0.52 ac.	Mature canopy trees of Willow Oak (12'-18' dbh), Red Maple (10'-16' dbh), Sweetgum (up to 25' dbh), and Northern Catalpa (24' dbh) make up the overstory with the cover type. Evergreen trees such as Southern Magnolia (6'-20' dbh), to medium, such as Eastern Red Cedar (6'-15' dbh) and American Holly (up to 14' height). All plantings within this cover type are maintained and real within manicured lawns and planting beds.
C	Open Field	Tall grasses	n/a	poor	0.66 ac.	Found in the northern section of this site, this cover type is made up of occasionally mowed grasses only. No other vegetation exists within this category.
D	Upland Forest	Sweetgum, Eastern Red Cedar, Sycamore ( <i>Platanus occidentalis</i> ), Hackberry ( <i>Celtis occidentalis</i> ), Elm ( <i>Ulmus spp.</i> )	early successional	poor	0.21 ac.	This cover type has few scattered canopy trees that make up a loose and more open canopy. Sweetgum (6'-10' dbh) and Sycamores (7' dbh) form the overstory with Hackberry (1'-2' dbh) and Elm (1'-2' dbh) from the understory. Deciduous Holly ( <i>Ilex decidua</i> ) and hives also help to form a thick understory along the north and northeastern boundaries. Invasive vines, such as Japanese Honeylocust ( <i>Lonicera japonica</i> ), make up the groundcover.
E	Developed Land	n/a	n/a	n/a	1.56 ac.	Buildings, parking lot, driveway, sidewalks, and open lawns make up this cover type. Mowed grass is the only vegetation found within this category.
				Total	3.38 ac.	

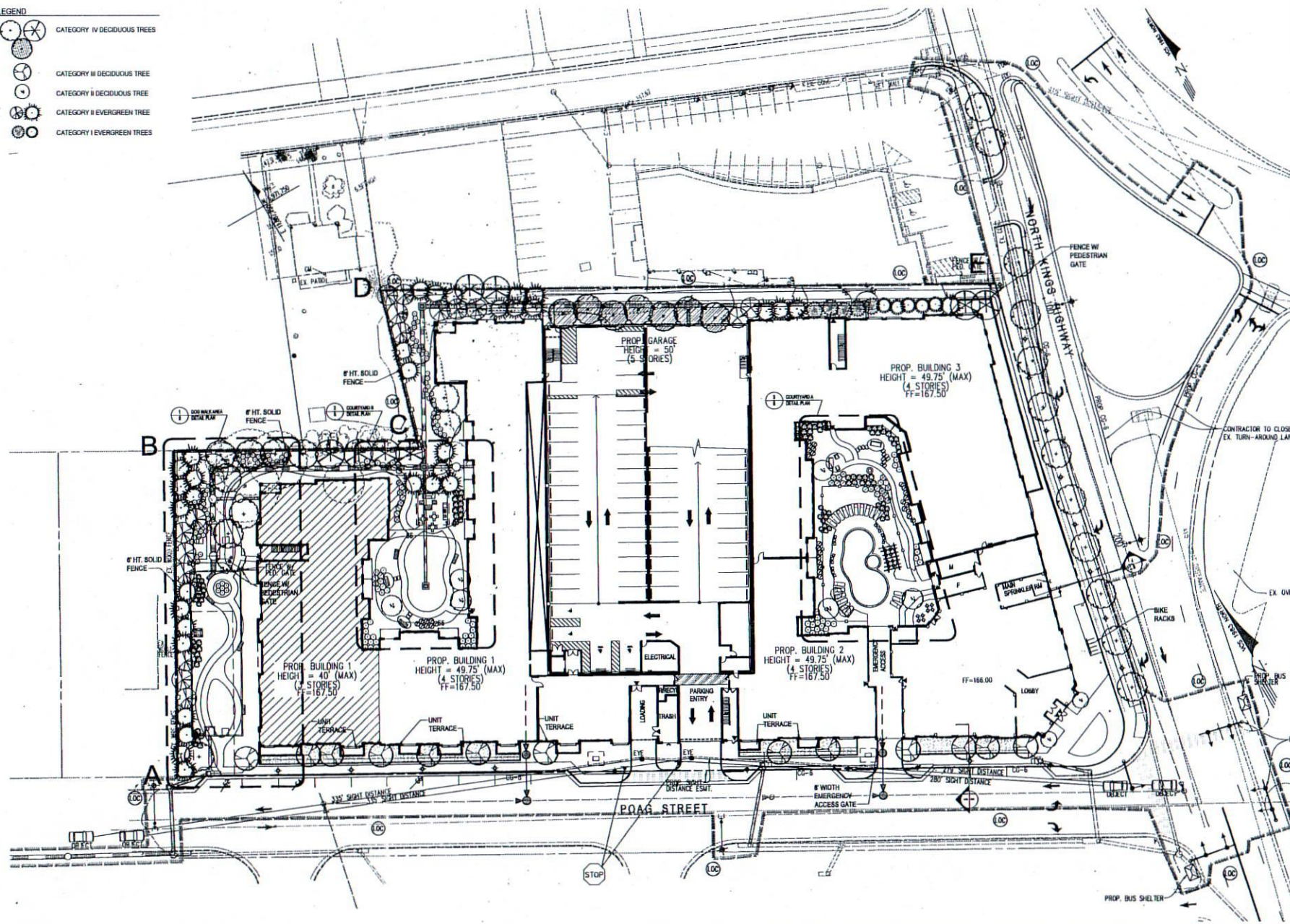
\*dbh - diameter at breast height (trunk measured 4.5 ft. above the ground)

#### EXISTING VEGETATION SUMMARY

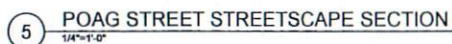
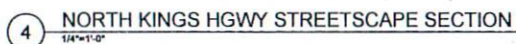


This Plan Prepared or Approved by:  
John L. Smith, ISA Certified Arborist  
# 004-5172A









- LEGEND**
- |  |                             |
|--|-----------------------------|
|  | CATEGORY IV DECIDUOUS TREES |
|  | CATEGORY III DECIDUOUS TREE |
|  | CATEGORY II DECIDUOUS TREE  |
|  | CATEGORY II EVERGREEN TREE  |
|  | CATEGORY I EVERGREEN TREE   |
|  | SHRUBS                      |











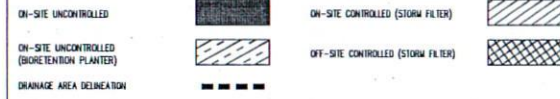
**BMP AREA #4**  
DA=0.25 AC  
C=0.30  
OFF-SITE CONTROLLED

**BMP AREA #1**  
DA=2.26 AC  
C=0.82  
ON-SITE CONTROLLED  
(STORM FILTER)

**BMP AREA #3**  
DA=0.7 AC  
C=0.83  
ON-SITE CONTROLLED  
(BIORETENTION PLANTERS)

**BMP AREA #2**  
DA=0.45 AC  
C=0.71  
ON-SITE UNCONTROLLED

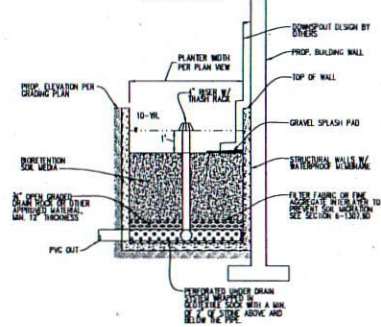
# LEGEND



## EXAMPLE BIORETENTION PLANTERS



## BIORETENTION PLANTER DETAIL CROSS-SECTIONAL VIEW NOT TO SCALE



Part 1: List all of the Subarea and "C" factors used in the BMP Computations

Subarea Designation	"C"	Area
(1) TOTAL DRAINAGE CONTROLLED BY PROP. STORM FILTER	0.82	2.26
(2) TOTAL DRAINAGE UNCONTROLLED	0.71	0.45
(3) TOTAL DRAINAGE CONTROLLED BY PROP. BIORETENTION PLANTERS	0.83	0.70
(4) TOTAL OFF-SITE CONTROLLED BY PROP. STORM FILTER	0.30	0.25
<b>Total</b>		<b>3.66</b>

## III a. PHOSPHORUS REMOVAL - "OCOCQUAN METHOD"

Part 2: Compute the Weighted Average "C" Factor for the Site

(A) Area of the Site

Subarea Designation	"C"	Area	Product
(1) TOTAL DRAINAGE CONTROLLED BY PROP. STORM FILTER	0.82	2.26	1.85
(2) TOTAL DRAINAGE UNCONTROLLED	0.71	0.45	0.32
(3) TOTAL DRAINAGE CONTROLLED BY PROP. BIORETENTION PLANTERS	0.83	0.70	0.60
(4) TOTAL OFF-SITE CONTROLLED BY PROP. STORM FILTER	0.30	0.25	0.08
<b>Total</b>		<b>3.66</b>	<b>2.85</b>

(C) Weighted average "C" factor  
(2.85) / (3.66) = 0.78

Part 3: Compute the Total Phosphorus Removal for the Site

Subarea Designation	Removal Efficiency (%)	Area	"C"	Product
(1) TOTAL DRAINAGE CONTROLLED BY PROP. STORM FILTER	90	2.26	0.82	16.50
(2) TOTAL DRAINAGE UNCONTROLLED	50	0.45	0.71	1.58
(3) TOTAL DRAINAGE CONTROLLED BY PROP. BIORETENTION PLANTERS	90	0.70	0.83	5.13
(4) TOTAL OFF-SITE CONTROLLED BY PROP. STORM FILTER	90	0.25	0.30	0.68
<b>Total</b>				<b>23.90</b>

(A) Total = 23.90

Part 4: Determine Compliance with Phosphorus Removal Requirement

(A) Select Requirement

Water Quality Overlay District	Phosphorus Removal Requirement
Water Quality Overlay District 1 (Fairfax County and Prince William County)	50% (Fairfax County and Prince William County)
Chesapeake Bay Preservation Area (Fairfax County)	40% (Fairfax County)
Chesapeake Bay Preservation Area (Prince William County)	50% (Prince William County)

(B) (Line 2a) + (Line 4a) = 23.90  
Line 2a: 47.20  
Line 4a: 23.90  
PHOSPHORUS REMOVAL REQUIREMENT IS SATISFIED

## IV. SITE COVERAGE

Part 5: Determine Compliance with Site Coverage Requirement

Sum all the uncontrolled on-site areas and compute a weighted average "C" factor. Do not include off-site areas.

Subarea Designation	"C"	Area	Product
(1) TOTAL DRAINAGE UNCONTROLLED	0.71	0.45	0.32
<b>Total</b>		<b>0.45</b>	<b>0.32</b>

(A) Total equivalent uncontrolled area = 0.33  
(B) Total uncontrolled area = 0.45  
(C) Weighted average "C" factor = 0.71  
(0.33) / (0.45) = 0.71

(A) Total equivalent uncontrolled area = 0.33  
(B) Total uncontrolled area = 0.45  
(C) Weighted average "C" factor = 0.71  
Line 2a: 47.20  
Line 2b: 0.45  
Line 2c: 0.33  
Line 2d: 0.71  
SITE COVERAGE REQUIREMENT IS SATISFIED

## BMP NARRATIVE

BEST MANAGEMENT PRACTICE IS PROVIDED ON SITE BY THE USE OF A PROPOSED STORM FILTER SYSTEM AND FOUR BIORETENTION PLANTERS. ALL BEST MANAGEMENT PRACTICE DEVICES WILL BE PRIVATELY OWNED AND MAINTAINED. THE STORM FILTER SYSTEM PROVIDES 90% REMOVAL EFFICIENCY FOR 2.26 ACRES OF ON-SITE DRAINAGE AND FOR 20% OF 0.25 ACRES OF OFF-SITE DRAINAGE AREA. THE STORM FILTER SYSTEM IS LOCATED DIRECTLY UPSTREAM FROM THE STORMWATER MANAGEMENT VAULT LOCATED ON THE WEST SIDE OF THE BUILDING. THE FOUR BIORETENTION PLANTERS PROVIDE 90% REMOVAL EFFICIENCY FOR A TOTAL OF 0.67 ACRES OF ON-SITE DRAINAGE AREA AS THE WATER QUALITY VOLUME IS BASED ON THE FIRST 1" OF RUNOFF. THE MAJORITY OF THE DRAINAGE AREA TO THE BIORETENTION PLANTERS ARE FROM THE ROOF AND IS DIRECTED TO THE PLANTERS BY DOWNSPOUTS. THE PLANTERS ARE ALL LOCATED ALONG POAD STREET. EXAMPLE PICTURES OF BIORETENTION PLANTERS HAVE BEEN PROVIDED ON THIS SHEET. THE BEST MANAGEMENT PRACTICES PROPOSED FOR THIS SITE PROVIDE A TOTAL OF 47.20% PHOSPHORUS REMOVAL EFFICIENCY AS SHOWN ON THE COMPUTATIONS PROVIDED ON THIS SHEET, WHICH EXCEEDS THE 40% MINIMUM REQUIREMENT.

urban

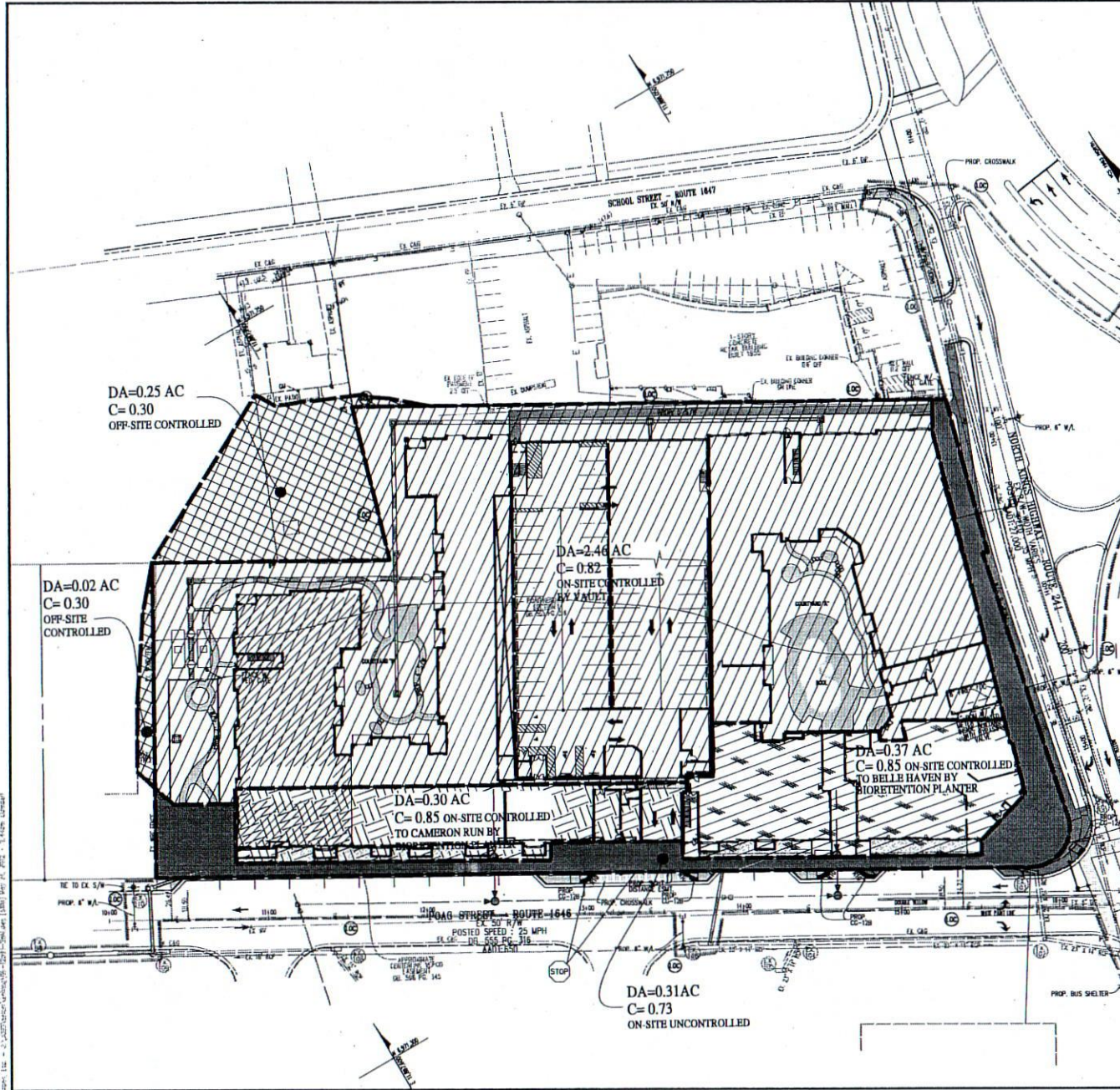
DATE: MARCH 2011

SCALE: 1"=30'

STREET: 14 OF 24

ZIP: 22953





## SWM CALCULATIONS

- SITE DESCRIPTION:**  
LOCATION: BELLE HAVEN/CAMERON WATERSHED  
TOTAL SITE AREA= 3.30 AC  
TOTAL ON-SITE CONTROLLED= 3.07 AC  
TOTAL ON-SITE UNCONTROLLED= 0.31 AC  
TOTAL OFF-SITE CONTROLLED= 0.27 AC  
TIME OF CONCENTRATION: 10-15 MINUTES  
RAINFALL INTENSITY 2-YEAR=5.45 IN/HR  
10-YEAR=7.27 IN/HR
- PRE-DEVELOPMENT RUN-OFF:**  
ACTUAL C FACTOR, C=0.50  
 $Q2=(0.50)(5.45 \text{ IN/HR})(3.30 \text{ AC})=9.21 \text{ CFS}$   
 $Q10=(0.50)(7.27 \text{ IN/HR})(3.30 \text{ AC})=12.29 \text{ CFS}$
- POST-DEVELOPMENT ON-SITE UNCONTROLLED:**  
ACTUAL C FACTOR, C=0.80  
 $Q2=(0.73)(5.45 \text{ IN/HR})(0.31 \text{ AC})=1.23 \text{ CFS}$   
 $Q10=(0.73)(7.27 \text{ IN/HR})(0.31 \text{ AC})=1.65 \text{ CFS}$
- POST-DEVELOPMENT OFF-SITE CONTROLLED:**  
ACTUAL C FACTOR, C=0.30  
 $Q2=(0.30)(5.45 \text{ IN/HR})(0.27 \text{ AC})=0.44 \text{ CFS}$   
 $Q10=(0.30)(7.27 \text{ IN/HR})(0.27 \text{ AC})=0.58 \text{ CFS}$
- ALLOWABLE RELEASE RATE:**  
 $Q(\text{ALLOWABLE})=Q(\text{PRE})-Q(\text{ON-SITE UNCONTROLLED})+Q(\text{OFF-SITE CONTROLLED})$   
 $Q2 \text{ ALLOWABLE} = (9.21 \text{ CFS}) - (1.23 \text{ CFS}) + (0.44 \text{ CFS})$   
 $Q2 \text{ ALLOWABLE} = 8.42 \text{ CFS}$   
 $Q10 \text{ ALLOWABLE} = (12.29 \text{ CFS}) - (1.65 \text{ CFS}) + (0.58 \text{ CFS})$   
 $Q10 \text{ ALLOWABLE} = 11.22 \text{ CFS}$
- PROPOSED RELEASE RATES:**  
**Q2:**  
VAULT = 2.00 CFS  
PLANTER 1 = 0.75 CFS  
PLANTER 2 = 0.75 CFS  
PLANTER 3 = 0.75 CFS  
TOTAL = 4.25 CFS  
**Q10:**  
VAULT = 3.00 CFS  
PLANTER 1 = 1.25 CFS  
PLANTER 2 = 1.25 CFS  
PLANTER 3 = 1.25 CFS  
TOTAL = 6.75 CFS

## SWM NARRATIVE

THE MAJORITY OF THE SUBJECT SITE IS LOCATED WITHIN THE CAMERON RUN WATERSHED WITH A SMALL PORTION OF THE NORTHEAST CORNER FLOWING TO THE BELLE HAVEN WATERSHED. TOTAL SITE AREA IS 3.30 AC. A STORM WATER MANAGEMENT (SWM) ANALYSIS COMPARING THE EXISTING 10 YEAR RUNOFF TO THE PROPOSED 10 YEAR RUNOFF HAS BEEN PERFORMED FOR THE SUBJECT SITE. THE PROPOSED STORM WATER MANAGEMENT FACILITIES HAVE BEEN DESIGNED TO ACCOMMODATE THE PROPOSED BUILDINGS AND RELATED INFRASTRUCTURE.

THE EXISTING IMPERVIOUS AREA FOR THE SITE PRODUCES A RUNOFF COEFFICIENT ("C") OF 0.50 FOR THE PRE-DEVELOPMENT CONDITIONS. PROPOSED DEVELOPMENT OF THE SUBJECT SITE INCREASES THE RUNOFF COEFFICIENT TO 0.85.

THE PROPOSED STORM WATER MANAGEMENT SYSTEM FOR THE SUBJECT SITE CONSISTS OF ONE (1) PROPOSED UNDERGROUND CONCRETE SWM VAULT AND THREE BIORETENTION PLANTERS. THE PROPOSED VAULT WILL BE PRIVATELY MAINTAINED. ULTIMATELY, THE VAULT WILL BE DESIGNED TO RELEASE AT A RATE LESS THAN THE ALLOWABLE RELEASE RATE CALCULATED ON THIS SHEET FOR THE 2 AND 10 YEAR STORMS. THE VAULT HAS BEEN LOCATED AT THE SOUTHWEST CORNER OF THE SUBJECT SITE. THE PROPOSED VAULT DISCHARGES INTO THE IMPROVED CLOSED CONDUIT SYSTEM ALONG POAG STREET AND ULTIMATELY TO THE CAMERON RUN WATERSHED.

THE BIORETENTION PLANTERS HAVE BEEN DESIGNED TO PROVIDE DETENTION ABOVE THE BIORETENTION MEDIA. AN INFILTRATION RATE OF 0.02 CFS THROUGH THE MEDIA HAS BEEN USED TO DETERMINE THE INFLOW-OUTFLOW HYDROGRAPHS. A 6 INCH RISER WITH TRASH RACK WILL ALSO BE PROVIDED IN EACH PLANTER.

## LEGEND

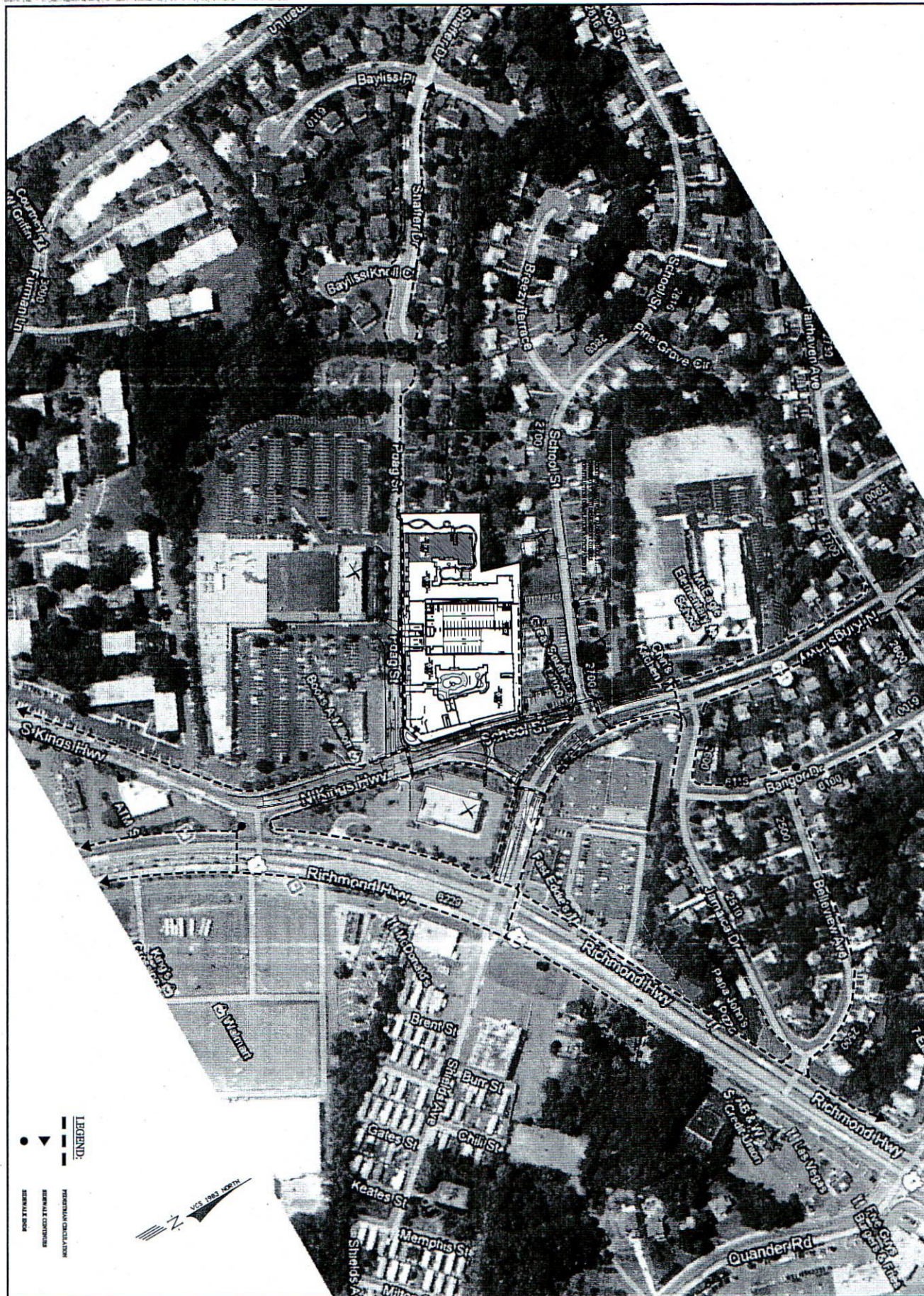
- ON-SITE CONTROLLED (VAULT)
- OFF-SITE CONTROLLED (VAULT)
- ON-SITE CONTROLLED (BIORETENTION PLANTER TO CAMERON RUN)
- ON-SITE CONTROLLED (BIORETENTION TO BELLE HAVEN)
- ON-SITE UNCONTROLLED
- DRAINAGE AREA DELINEATION

<b>urban</b> Urban Engineering & Construction, Inc. 10000 Lee Highway, Suite 200 Fairfax, VA 22031 Phone: 703.261.1111 Fax: 703.261.1112 www.urbaninc.com		REVISIONS NO. DATE 1 03/27/11 2 04/05/11 3 04/05/11 4 04/05/11 5 04/05/11 6 04/05/11 7 04/05/11 8 04/05/11 9 04/05/11 10 04/05/11
PROJECT: CDP/FDP CITY: CITY VIEW COUNTY: FAIRFAX COUNTY, VIRGINIA SCALE: 1"=30' DATE: MARCH 2011		SHEET 13 OF 24 ZP-12593







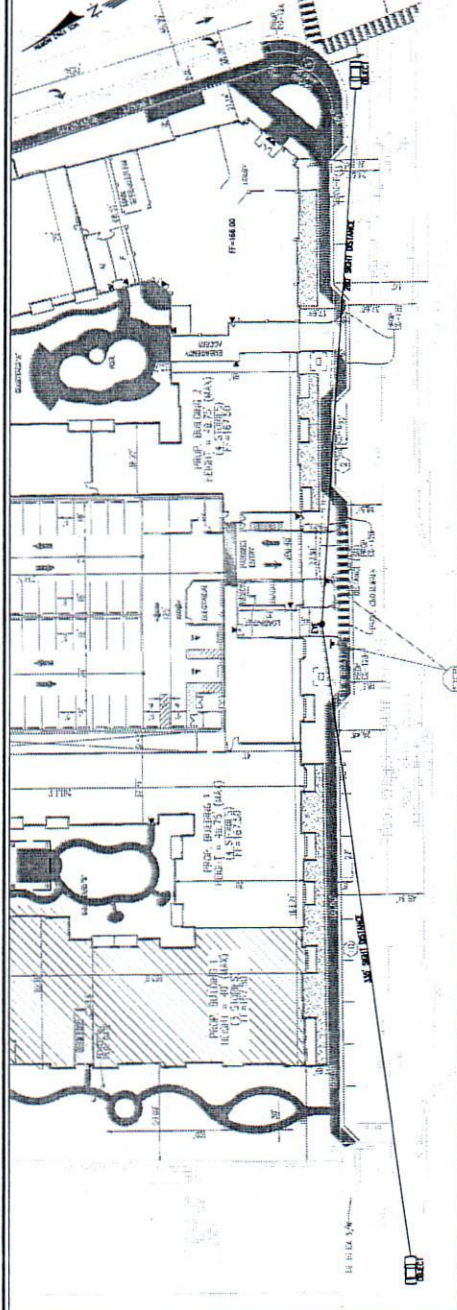


ZP-12593	SHEET 17 OF 24	REGIONAL PEDESTRIAN CIRCULATION PLAN				PLAN DATE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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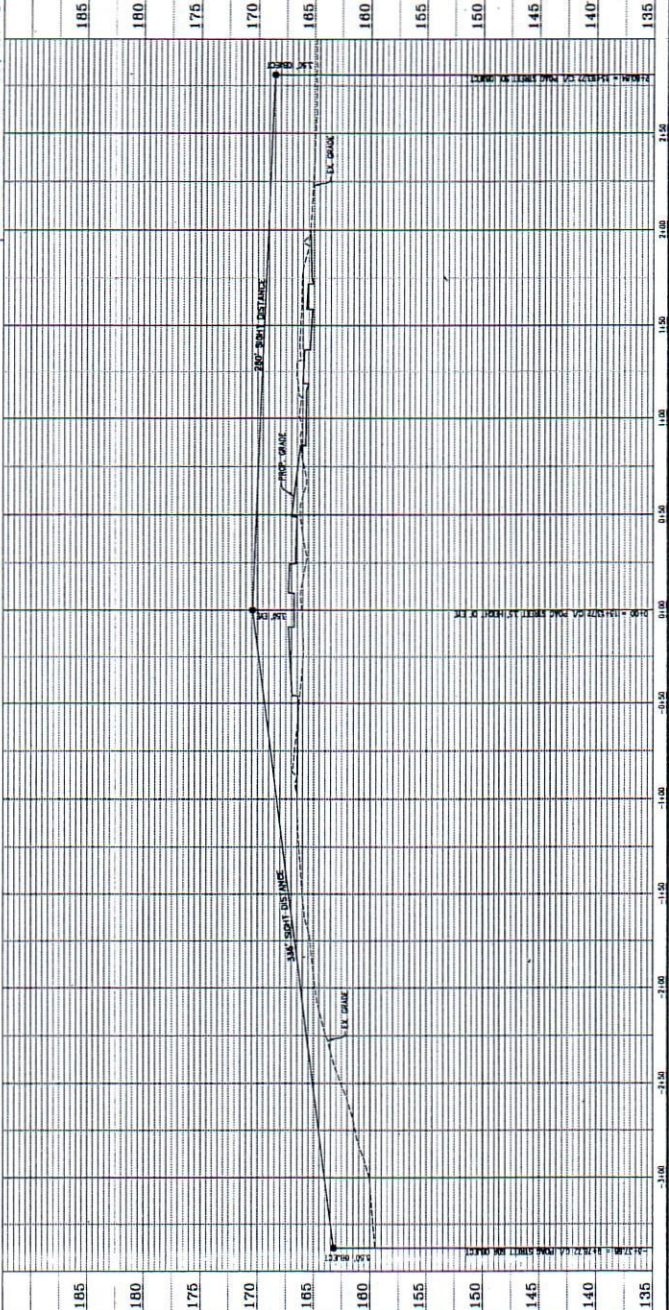








**RESIDENT LOADING**  
**POAG STREET (STATE ROUTE 1646)**  
POSTED SPEED = 25 MPH  
DESIGN SPEED = 30 MPH



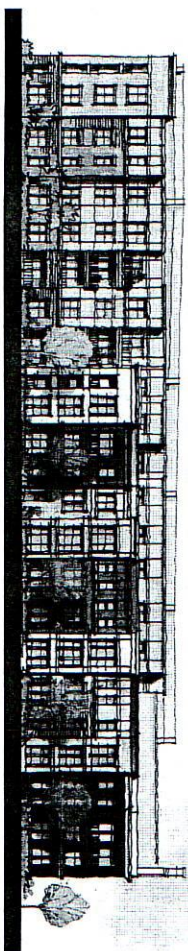








FRONT STREET ELEVATION



REAR ELEVATION



SIDE ELEVATION

**INSIGHT**  
PROPERTY GROUP, LLC

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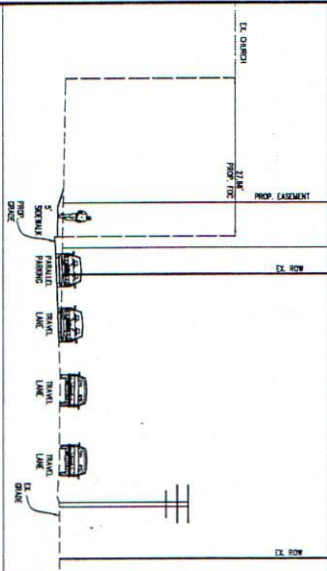
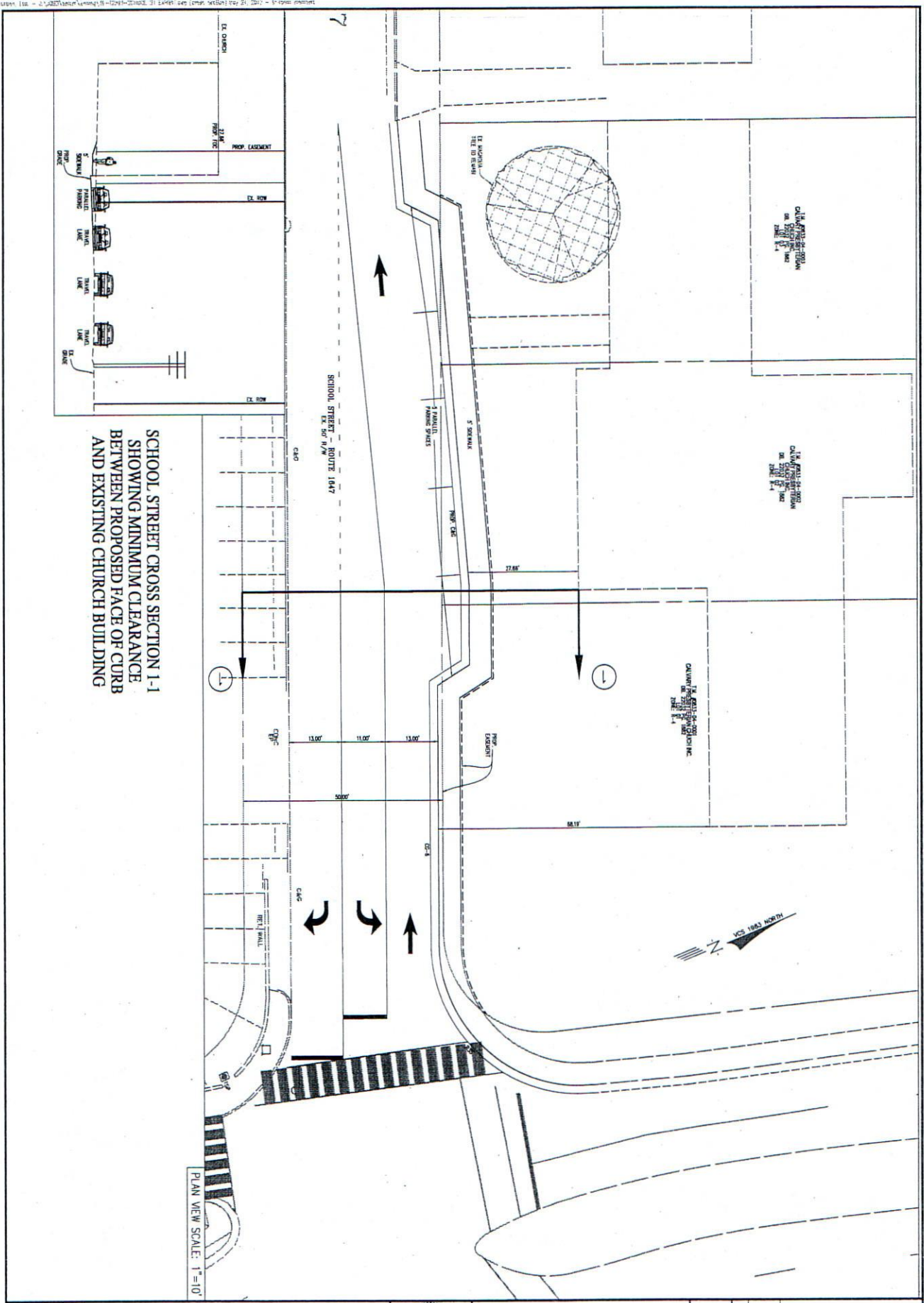
**urban**  
**ktgy**

**City View | Elevations**  
Fairfax County, Virginia | May 8, 2012



ARCHITECTURAL ELEVATIONS			 <b>urban</b> <small>Planners Engineers Landscape Architects Land Surveyors</small>	<small>Union, LLC 4000 N Terminal Court Chantilly, Virginia 20151 Tel: 703.462.2300 www.urban-llc.com</small>	PLAN DATE	
SHEET 21 OF 24 ZP-12593	CITY VIEW CDP/FDP LEE DISTRICT FAIRFAX COUNTY, VIRGINIA				04-27-11 06-07-11 01-15-12 04-23-12 05-17-12 05-22-12 -	
	SCALE: 1"=100'	CL: N/A	DATE: MARCH 2011	No.	DATE	DESCRIPTION
				REVISIONS		

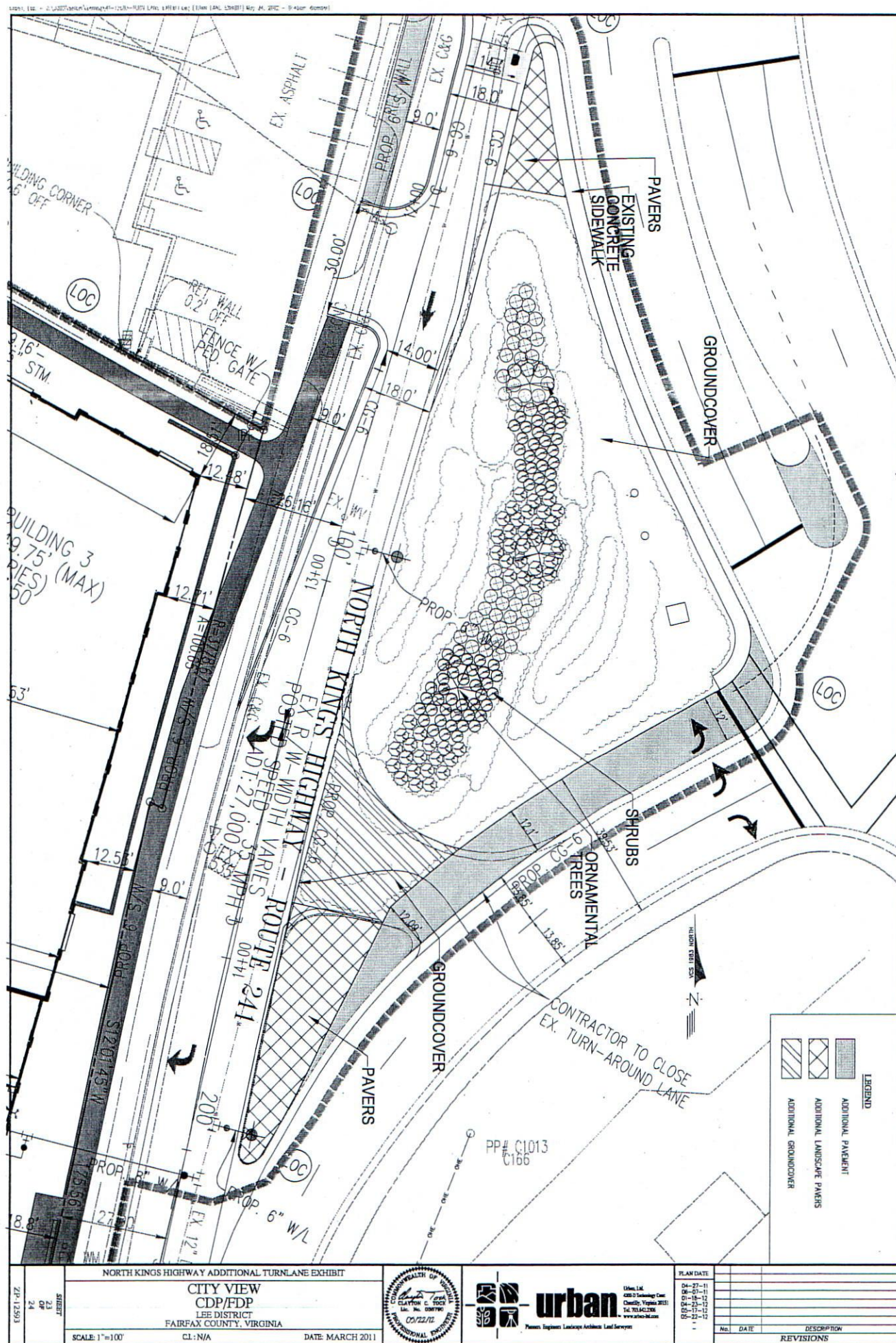




SCHOOL STREET CROSS SECTION 1-1  
SHOWING MINIMUM CLEARANCE  
BETWEEN PROPOSED FACE OF CURB  
AND EXISTING CHURCH BUILDING

SCHOOL STREET IMPROVEMENTS EXHIBIT <b>CITY VIEW</b> CDP/FDP LEE DISTRICT FAIRFAX COUNTY, VIRGINIA CL: N/A		 DIVISION OF HIGHWAYS 11/22/02	 <b>urban</b> <small>Planners Engineers Landscape Architects Land Surveyors</small>	PLAN DATE 04-27-11 05-03-11 05-16-12 05-22-12 05-22-12	NO. DATE DESCRIPTION REVISIONS
SCALE 1"=100' DATE: MARCH 2011					





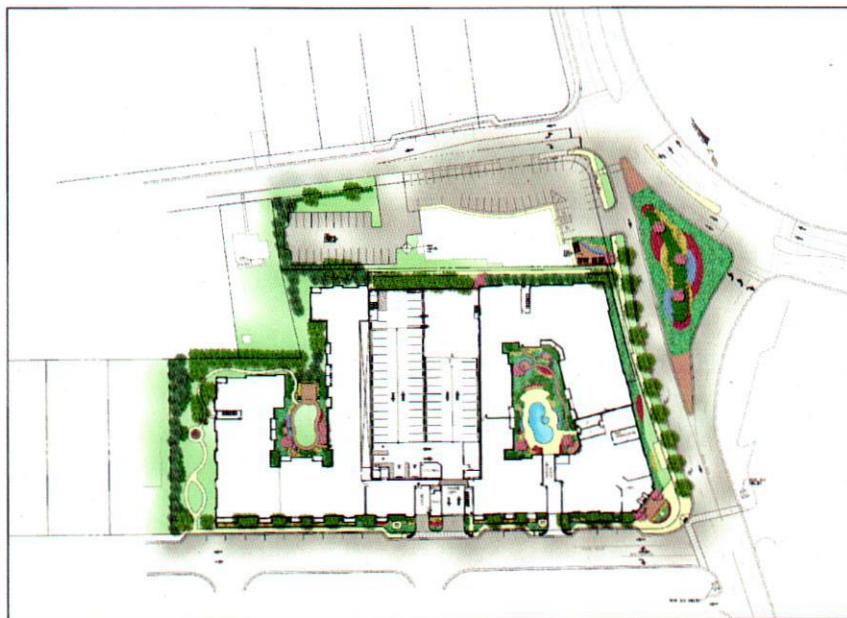






## DESCRIPTION OF THE APPLICATION

The applicant, Insight Property Group, LLC, requests to rezone approximately 1.54 acres (Tax Map 83-3 ((4)) A and 83-3 ((11)) 2) from the C-5 (Neighborhood Retail Commercial) and 1.84 acres (Tax Maps 83-3 ((11)) 3-6) from the R-4 (Residential, Four Dwelling Unit Per Acre) Districts all within the Commercial Revitalization (CRD) and Highway Corridor (HC) Overlay Districts to the PRM (Planned Residential Mixed Use), CRD and HC Districts. The overall site is 3.38 acres and proposed to be developed with a 256,000 square foot (1.74 Floor Area Ratio) multi-family residential building for 245 dwelling units (72.48 du/ac), including affordable units. The affordable units consists of 6.25% (15 units) administered as affordable dwelling units and 5.75% (14 units) administered as workforce housing. The multi-family building will be four stories (50 feet tall) with a five level (50 foot tall) parking garage and step down to three levels (40 feet tall) on the western edge of the property. The proposed development and the existing 9,523 square foot shopping center to the north (located on 37,685 square feet) would be under the planned intensity of 1.40 floor area ratio (FAR) recommended for sub-unit H-1 of the Comprehensive Plan.



A reduced copy of the proposed Conceptual/Final Development Plan (CDP/FDP) is included in the front of this report. The applicant's draft proffers, staff's proposed Final Development Plan conditions and underground stormwater management waiver conditions and analysis are included as Appendix 1-3, respectively. The applicant's statement of justification and affidavit are included in Appendices 4 and 5, respectively.

### Waivers and Modifications

The applicant requests a waiver (#5490-WPFM-002-1) of Section 6-0303.8 of the Public Facilities Manual (PFM) to allow for an underground stormwater vault on a residential property.

The applicant requests a waiver of Section 12-0508 of the PFM for the tree preservation target.

The applicant requests a modification of the loading spaces requirements of Section 11-203 of the Zoning Ordinance to provide one space instead of four spaces.



The applicant requests a modification of Section 13-303 for the transitional screening and Section 13-304 of the Zoning Ordinance for the barrier requirement along the western and northwestern boundary to permit the landscaping and barrier as shown on the CDP/FDP.

## LOCATION AND CHARACTER

The site is located west of North Kings Highway, north of Poag Street and south of the School Street Shopping Center. The site is developed with a vacant two story office building at the corner and three single family dwelling units.



**North:** School Street Shopping Center (C-5),  
Planned: Retail, 0.25 FAR

**South:** Penn Daw Plaza Shopping Center (C-8), Planned: Retail, 0.35 FAR, with option for Residential Mixed Use, 1.15 FAR

**West:** Villages at Huntington - Single Family Detached (R-4),  
Planned: Residential, 3-4 du/ac

**East:** Rite Aid - Retail (C-8),  
Planned: Retail, 0.35 FAR

## BACKGROUND

On July 19, 1950, the Board of Supervisors approved RZ - 578 to rezone 50 acres from the Agricultural District to the General Business District (now C-5 District) for land that included the applicants parcel 83-3 ((4)) A and the adjacent retail parcel to the north. There were no proffers or development plans associated with that rezoning.

On June 18, 1984, the Board of Supervisors approved RZ 84-L-041 to rezone Tax Map 83-3 ((11)) 2 from the R-4 District to the C-5 District for an office use within the existing Groveton Police substation building. The proffers are included in Appendix 6.

## COMPREHENSIVE PLAN PROVISIONS

Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Mount Vernon Planning District, as amended through April 10, 2012, Richmond Highway Corridor, Penn Daw



Community Business Centers, on pages 40-42 states:

"Land Unit H

The land unit is envisioned to be a visually and functionally cohesive pedestrian-oriented environment. Necessary improvements and amenities such as road and sidewalk enhancements, useable open space, plazas, and bus shelters are expected to be phased with development in support of this goal. These improvements should off-set impacts of redevelopment and ensure adequate functioning of critical intersections through a combination of roadway capacity improvements, intersection traffic mitigation, circulation and access improvements, transit, pedestrian and bicycle connectivity enhancements and effective Transportation Demand Management options. Development should be phased in such a way that effective transportation measures are in place concurrent with development.

The development concept for Land Unit H reflects up to a maximum of 735 dwelling units and a minimum of 40,000 square feet of retail use provided that an appropriate pattern and character of development is achieved. New retail use should be located on the ground floor of buildings and not in freestanding buildings. Service uses such as professional offices may be included in this category. Specific recommendations are provided in the sections that follow.

The land unit is divided into Sub-units H-1 and H-2. Within Sub-unit H-1, residential use is recommended to be in the form of multi-family units with neighborhood serving retail use (new and/or existing). In Sub-unit H-2, a mixture of multi-family units and townhouses is recommended to provide variety in dwelling types.

Sub-unit H-1

The existing commercial uses between School and Poag Streets along the west side of North Kings Highway are planned for retail, low-rise office and/or compatible institutional uses up to .25 FAR.

As an option, redevelopment with a mix of predominately residential use and ground-floor retail at an overall intensity up to 1.40 FAR may be appropriate. The following conditions should be met:

- Full consolidation of Sub-unit H-1 is desired. At a minimum, however, consolidation should be achieved for Tax Map parcels 83-3 ((4)) A, 83-3 ((11)) 2-6. If full consolidation cannot be achieved, the existing 9,500-square-foot retail building on School Street may be retained as all or a portion of the retail use recommended for this sub-unit provided that functional and aesthetic coordination of design is demonstrated, such as the relocation of parking on Tax Map parcel 83-3((4))35 away from the North Kings Highway and School Street frontages to allow for improvements to School Street;



outdoor amenities, such as plazas or seating areas are provided; coordinated façade treatments and signage are provided; and improved streetscape to include continuous sidewalks, lighting, and landscaping is provided. Sidewalk improvements should include the construction of missing sidewalk connections on School Street in a configuration and manner to safely accommodate pedestrians and pedestrian crossing.

- High-quality site design and architecture should be provided. Design should be coordinated throughout Sub-units H-1 and H-2, especially if redevelopment is phased.
- Buildings should align with roadways along Poag Street and North Kings Highway, and should be built close to the street to create an urban street edge.
- Any new retail uses should be located on the ground floor of the residential buildings. The location of retail uses should maximize visibility along the frontage of North/South Kings Highway and School Street. Retail uses should offer community amenities, such as sidewalk cafés or restaurants, to the surrounding residential uses.
- Building height should be limited to a maximum of four stories. The tallest buildings should be concentrated along North/South Kings Highway, with building height tapering down toward single-family residential neighborhoods to the west. Townhouse-style residential units should be used to provide a transition to the neighborhoods to the west.
- Adequate buffering should be provided to minimize the visual impact of redevelopment on existing single-family neighborhoods. Buffer areas should be appropriately landscaped with year-round vegetation to aid in the transition to single-family neighborhoods. All or a majority of Tax Map parcel 83-3 ((11)) 6 should be utilized as a buffer to existing single-family homes. This buffer area should include publicly accessible open space.
- Well-designed, publicly accessible urban plazas and parks should be integrated to enhance recreational options and a sense of place for the development, consistent with the Urban Park Framework document, as modified by the Fairfax County Park Authority. Redevelopment of this sub-unit should provide a pocket park or plaza. To the extent possible, these open spaces should be contiguous to on-site retail uses. Landscaping improvements to the triangular piece of land at the intersection of Shields Avenue and North Kings Highway, such as a gateway feature or public art, should be considered as a short-term improvement.
- Parking facilities should be designed to avoid adverse visual impacts to the streetscape and neighboring properties. Parking should be consolidated into



structures that are integrated into the development using aesthetically appealing architectural detailing, screening, lighting, and landscaping. Limited convenience surface parking may be appropriate provided need is demonstrated and such spaces are appropriately integrated into the pedestrian environment.

- Development should dedicate adequate right-of-way for planned transportation improvements in the vicinity of Sub-units H-1 and H-2, as shown in Figures 13, 30, 37, and 44. A minor realignment of North/South Kings Highway, that minimizes impacts to the Kings Garden Apartments, to the west in the vicinity of the existing connection of Route 1 should be considered to enhance traffic flow on North/South Kings Highway and to create a pedestrian refuge for improved crossing of Richmond Highway and North/South Kings Highway. Dedication of right-of-way would be needed for this realignment to occur. If deemed appropriate, this realignment should take place concurrent with the severing of the Route 1 connection.
- The intersection of North Kings Highway with School Street should be improved concurrently with redevelopment to facilitate the realignment of North Kings Highway and Shields Avenue. If complete consolidation is not achieved in Sub-unit H-1, individual properties should work cooperatively during redevelopment to achieve this realignment.
- Design and/or construction of other planned transportation improvements, on-site and off-site, should be provided. A financial contribution may be provided towards facilitating implementation of off-site planned transportation improvements, as deemed appropriate.
- Efforts should be made to enhance the walkability and multi-modal connectivity of the land unit, through the addition of sidewalks, streetscaping, and bicycle facilities. Multi-modal connectivity between this land unit and the Huntington Metrorail Station should be enhanced to improve bicycle/pedestrian access through the incorporation of bus shelters and enhanced transit service.
- No new vehicular access should be provided to School Street.
- Traffic and safety concerns on School Street are addressed with traffic-calming and/or anti-cut-through measures, where warranted.
- Shaffer Drive and Poag Street should not be connected.
- Stormwater quantity and quality control measures that are substantially more extensive than minimum requirements should be provided, with the goal of reducing the total runoff volume. The emphasis should be on low impact development (LID) techniques and best management practices (BMPs) that

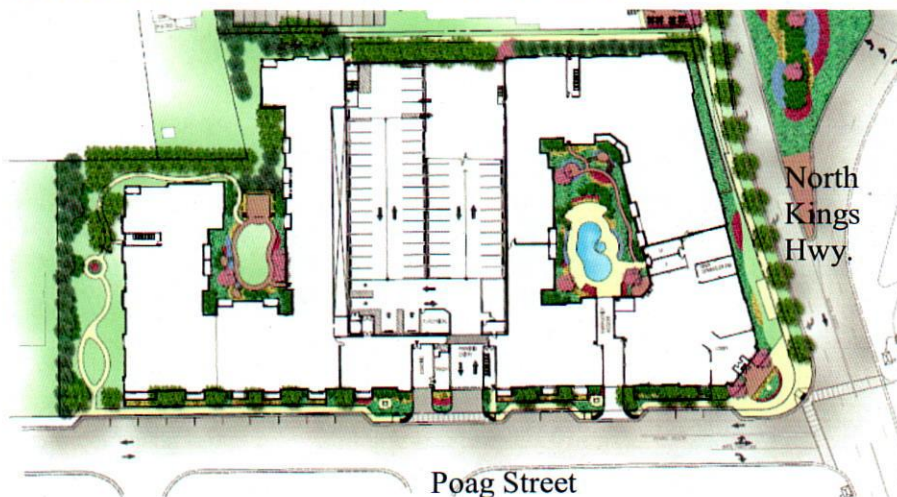


evapotranspire water, filter water through vegetation and/or soil, and return water to the ground or reuse it and should include such features as rooftop landscaping on the proposed parking structures. Stormwater management measures that are sufficient to attain the stormwater design-quantity control credit and stormwater design-quality control credit of the most current version of the Leadership in Energy and Environmental Design for New Construction (LEED®-NC) or Leadership in Energy and Environmental Design for Core and Shell (LEED®-CS) rating system (or third party equivalent of these credits) should be provided. If this goal is demonstrated not to be achievable, all measures should be implemented to the extent possible in support of this goal.”

**DESCRIPTION OF THE CONCEPTUAL/FINAL DEVELOPMENT PLAN (CDP/FDP)** (copy included at the front of the report.

The CDP/FDP titled: “City View” was submitted by Urban LTD. consisting of 24 sheets dated March 2011 as revised through May 22, 2012, is reviewed below.

The overall site is 3.38 acres and proposed to be developed with a 256,000 square foot (1.74 FAR) multi-family residential building for 245 dwelling units (72.48 du/ac), including affordable units (affordable dwelling units and workforce units). The multi-family building will be four stories (50 feet tall) with a five level (50 foot tall) parking garage and step down to three levels (40 feet tall) on the western edge of the property. The proposed development and the existing shopping center to the north have a combined 1.40 FAR in accordance with the Comprehensive Plan for sub-unit H-1. The site will have a single

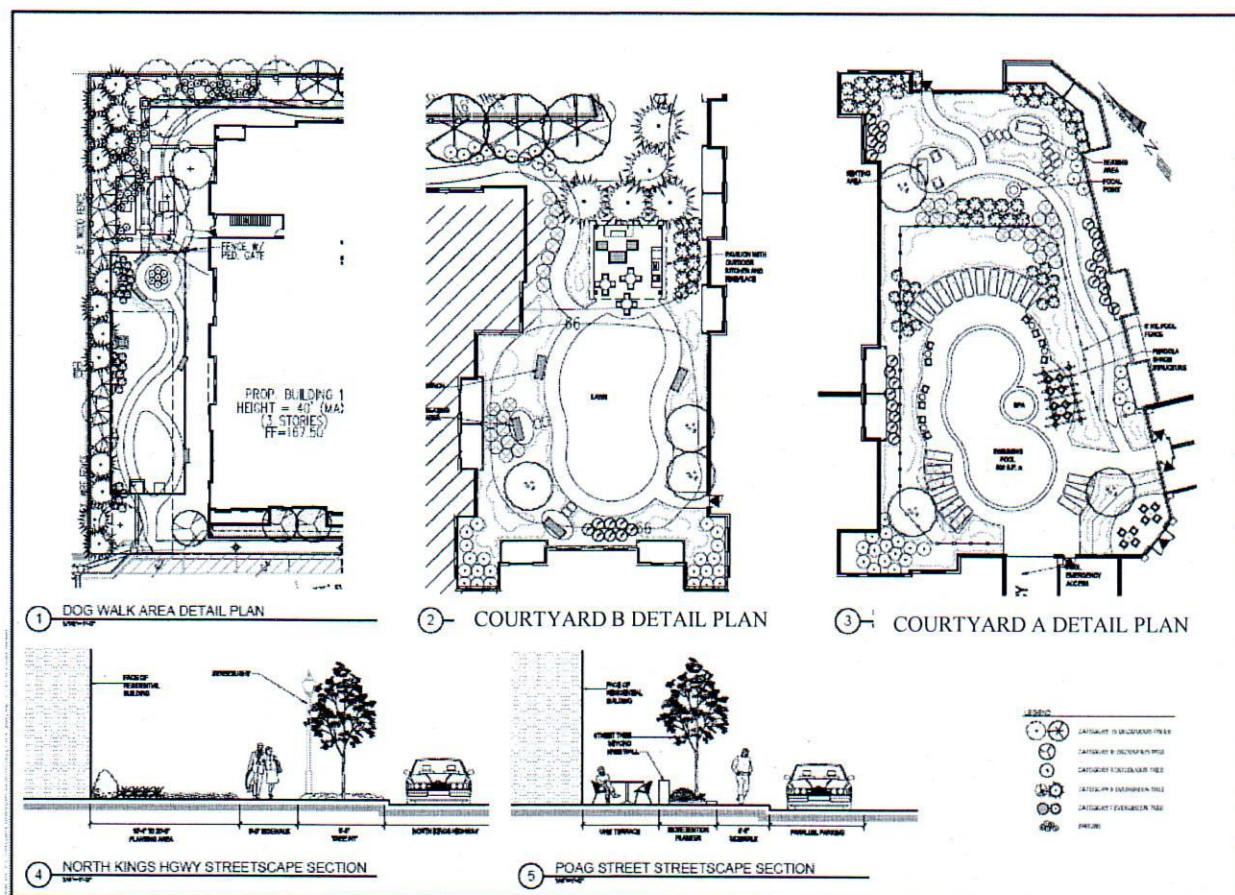


vehicle entrance to the parking garage from Poag Street in the middle of the structure. The loading/trash area will also be accessed from Poag Street adjacent to the garage entrance. The main pedestrian entrance to the building will be at the corner of North Kings Highway and Poag Street.

Below are details of the interior open space, the western buffer area and public space/streetscape along North Kings Highway and Poag Street. The western open space is approximately 50 feet wide and 200 feet deep, although the public would be limited to the first 125 feet of the area and the rear of the open space would be restricted to the residents and controlled by a fence with a gate. The western property line proposes a six foot solid



fence and a row of landscaping. The open area has a pedestrian path and benches and is located above the stormwater management vault for the site. This applicant is requesting a modification of the 25 five foot wide transitional screening requirement for the western and northwestern boundary. The proposed underground stormwater management vault limits landscaping as well as the desire to provide an open recreation area for the community. Courtyard A is the eastern courtyard and contains a swimming pool, spa, seating areas and open space for the residents. Courtyard B is the western courtyard and contains an open lawn, pedestrian pathways, and pavilion with an outdoor kitchen. The Poag Street streetscape includes ground floor terraces for the residents that will be separated from public sidewalk by a raised planter and also used for stormwater management bio-retention. North Kings Highway provides a 9 foot wide planting area next to the street with a 6 foot wide sidewalk and 12 to 21 foot wide planting area next to the building. The North Kings Highway streetscape could be modified if additional right-of-way is required for a right turn lane and would provide for a 4 foot wide planting area next to North Kings Highway (with structural soil for a 8 foot wide tree pit partially under the sidewalk), 6 foot wide sidewalk and 5-16 feet next to the building. There is a sidewalk proposed around the rear of the building to provide residents' access from North Kings Highway to the back of the parking garage. This area would also be gated to restrict access to residents only.





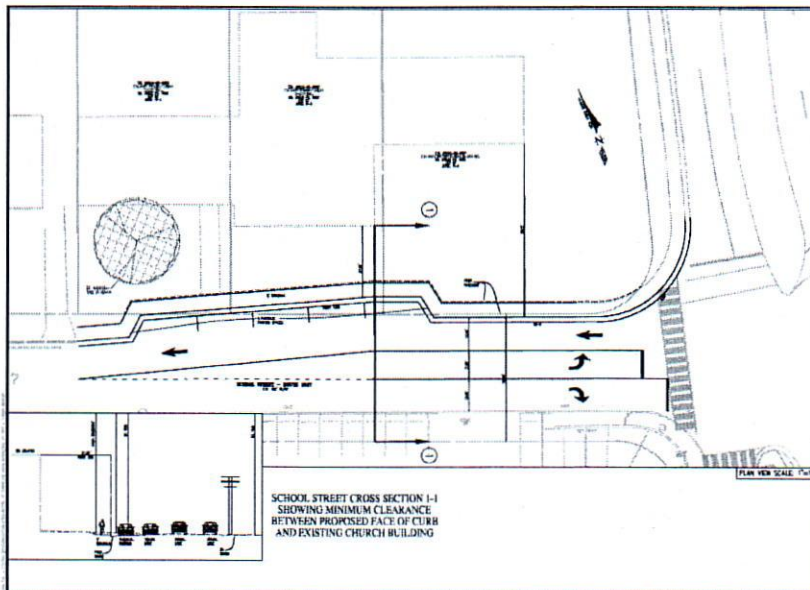
Below the two elevations are of the building from North King Highway and from Poag Street. The building materials will be generally be brick, masonry, and hardiboard with potential to add different material for architectural details and accents. Bay windows, balconies, awnings, and other architectural details may be provided so long as such features do not extend more than eight feet beyond the building footprints and the streetscape features are maintained.



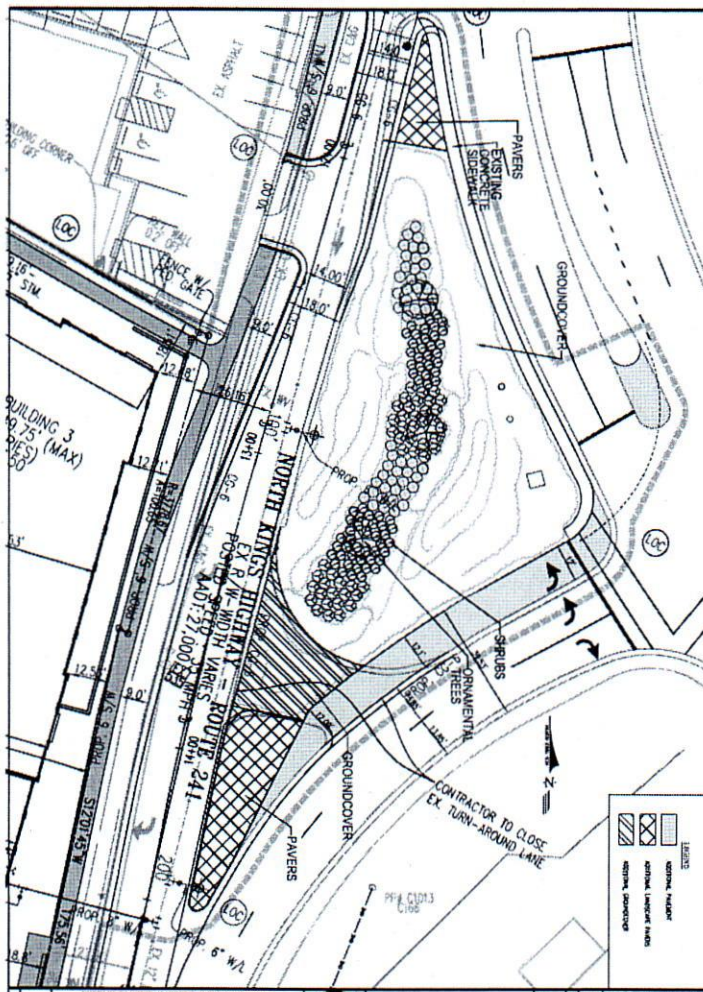
Below the top two elevations of the building are from Poag Street and the view from the west. The bottom elevation is a view from the School Street Shopping Center and includes a depiction of the garage façade. The architectural design of the northern facade of the garage structure will be pre-cast concrete or cast-in-place and include solid spandrel panels that will provide screening for headlights. Brick inset panels to complement the brick on the building will be utilized on the portions of the northern garage facade. Staff notes that the garage façade will be partially screened by the School Street Shopping Center.







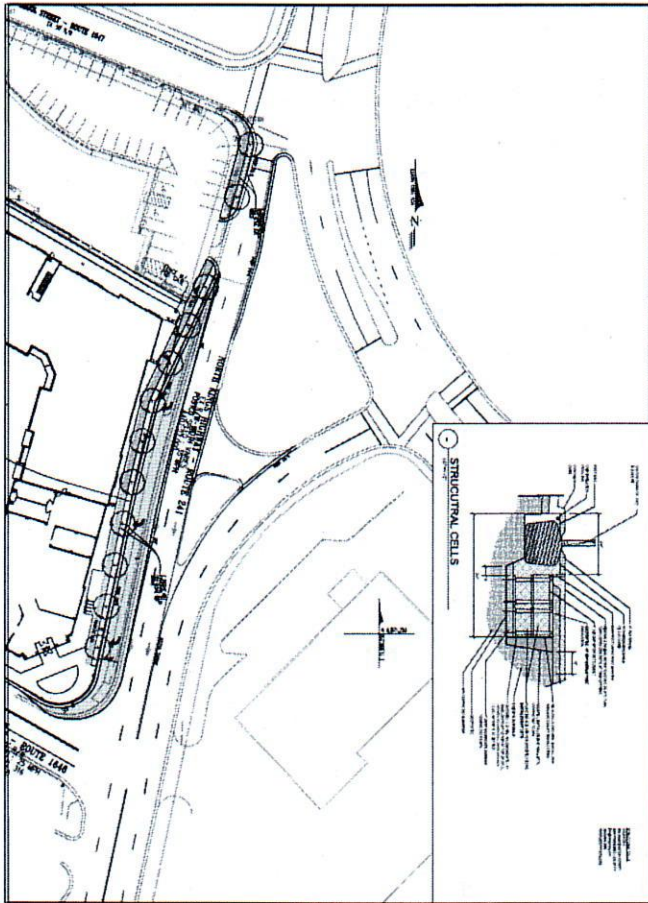
The applicant will be constructing five parallel public parking spaces along the north side of School Street. The provision of the parking spaces would be subject to the approval of the Virginia Department of Transportation (VDOT). Because the spaces would be located in public right-of-way they would need to be available to the public and with the exception of handicap spaces would not be able to be reserved.



The applicant proposes to add a left turn lane on north bound North Kings Highway onto westbound Shields Avenue. The existing lanes would be re-stripped to provide two left turn lanes and a right turn. The applicant would also be closing the connection from southbound North Kings Highway to northbound Kings Highway and landscape the traffic island. The improvements are subject to the approval of VDOT and would be modified when Shields Avenue is realigned.

The applicant intends to provide a right turn lane on southbound North Kings Highway onto Poag Street by utilizing the existing right/through lane and providing a 9 foot wide landscape area within the right-of-way along the School Street Shopping Center and along the northern frontage of their site. This portion of North Kings Highway would be limited to one through lane; however, the existing situation at School Street and North Kings Highway is a choke point and





effectively limits the intersection to one through lane. Staff notes that this design is subject to VDOT approval.

If VDOT does not approve the above design the applicant has proposed an option to provide additional right-of-way for a right turn lane along the frontage of their site. As previously stated this option would reduce the streetscape along North Kings Highway and the building would be located closer to the right-of-way. This option still provides for the additional landscape along the School Street Shopping Center although it would be limited to four feet in width with structural soil for a eight foot wide tree pit. The intersection of School Street and North Kings Highway would still be limited to one through lane and then transition to two through lanes with a dedicated right turn lane onto Poag Street.

## RESIDENTIAL DEVELOPMENT CRITERIA ANALYSIS (Appendix 7)

Fairfax County expects new residential development to enhance the community by: fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on other public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing and, being responsive to the unique site specific considerations of the property. To that end, the Board of Supervisors adopted the Residential Development Criteria, to be used in evaluating zoning requests for new residential development and summarized below. The resolution of issues identified during the evaluation is critical if the proposal is to receive favorable consideration.

### Site Design (Appendix 8 and 9)

All rezoning applications for residential development are expected to be characterized by high quality site design. Developments are expected to address the consolidation goals in the Comprehensive Plan and integrate the proposed development with adjacent planned and existing development. The criterion further recommends that the proposed site layout provide for a logical design with appropriate relationships within the development with regard to unit orientation and



the juxtaposition of yards, and include usable yard areas that can accommodate future decks and sunrooms. Further, it states that open space should be usable, accessible and integrated with the proposed development and that appropriate landscaping and amenities be provided.

The subject property is 3.38 acres and proposes 256,000 square feet of development (1.74 FAR and 72.48 dwelling units per acre). This is above the planned intensity of 1.40 Floor Area Ratio (FAR); however, that intensity is for the entire sub-unit which includes the School Street Shopping Center to the north. When the proposed development and adjacent shopping center are reviewed together the sub-unit FAR is under 1.40. While the Comprehensive Plan supports full consolidation it does provide for an option to permit development at 1.40 FAR without consolidation. The Plan provides guidance to provide for a functional and aesthetic consolidation, specifically the Plan states:

"Full consolidation of Sub-unit H-1 is desired. At a minimum, however, consolidation should be achieved for Tax Map parcels 83-3 ((4)) A, 83-3((11)) 2-6. If full consolidation cannot be achieved, the existing 9,500-square-foot retail building on School Street may be retained as all or a portion of the retail use recommended for this sub-unit provided that functional and aesthetic coordination of design is demonstrated, such as the relocation of parking on Tax Map parcel 83-3 ((4)) 35 away from the North Kings Highway and School Street frontages to allow for improvements to School Street; outdoor amenities, such as plazas or seating areas are provided; coordinated façade treatments and signage are provided; and improved streetscape to include continuous sidewalks, lighting, and landscaping is provided. Sidewalk improvements should include the construction of missing sidewalk connections on School Street in a configuration and manner to safely accommodate pedestrians and pedestrian crossing."

The applicant has proffered to escrow \$250,000 to be used for improvements to the School Street Shopping Center to include (1) additional parking (2) a patio/plaza; (3) building and signage improvements; (4) landscaping and streetscaping; (5) and stormwater management. Below is a depiction of the proposed parking lot, patio improvements and streetscape improvements to the plaza. The western parking lot would be for 17 to 23 additional spaces; however, the small patio improvement will remove 2 parking spaces. The number of spaces provided would be dependent upon providing the required Type 2 Transitional Screening Yard to the west or obtaining a modification of that requirement from the Department of Public Works and Environmental Services (DPWES). Below is an excerpt from the proffered attachment to depict the proposed improvements.





The streetscape and landscaping improvements would be additional landscaping along the western and northern property line where the new parking spaces are provided. The streetscaping is the addition of landscaping within the right-of-way of North Kings Highway. The landscape strip would be four or nine feet wide depending on if additional right-of-way is required for the requested right turn lane. The patio/plaza would be provided by the removal of two parking spaces and the adjustment of the right in/out to the site. The stormwater improvements will be to detain the flow from the new parking area into the facilities provided by the applicant. As part of the building façade improvements the applicant will be working with the adjacent owner to re-merchandize the shopping center. This will result in the relocation of some of the existing uses and new uses being brought to the site. The applicant has not provided details of the façade improvements since it is unknown who the users will be and their potential requirements for façade treatment. The proffers require the Zoning Administrator to concur that the façade treatment will provide a functional and aesthetic coordination between the shopping center and the applicant's building. The proffer requires the improvements to be substantially completed prior to the issuance of the first residential use permit (RUP) for the applicant's site. In staff's opinion, the applicant has met the consolidation goal of the Comprehensive Plan.

The open space for the site is along the perimeter to provide a buffer to the adjacent developments, including a 50 foot wide area along the western edge that provides public open space. The applicant also provides for two interior courtyards for recreational areas for the residents. In staff's opinion, this criterion has been met.

### **Neighborhood Context (Appendix 8)**

All applications for residential development, regardless of the proposed density, are expected to be designed to fit into the community within which the development is to be located as evidenced by an evaluation of: transitions to abutting and adjacent uses; lot sizes, particularly along the periphery; bulk and mass of the proposed dwelling units; setbacks; orientation of the proposed dwelling with regard to the adjacent streets and homes; architectural elevations; connections to non-motorized transportation facilities and the preservation of existing topography and vegetative cover. It is noted in this criterion that it is not expected that developments will be identical to their neighbors and that the individual circumstances of the property will be considered.

The multi-family building is adjacent to single family detached units to the west. In accordance with the guidance of the Comprehensive Plan the bulk of the proposed building is four stories with a maximum height of 50 feet that drops down to three stories and 40 feet in height on the westernmost end of the structure. The units on the west end of the building will provide a townhouse appearance by varying the façade colors and materials. The Comprehensive Plan also recommends that all



or most of the westernmost parcel (Tax Map 83-3 ((11)) 6) be utilized as a buffer to the single-family houses to the west. The applicant is providing half of the existing parcel width as a buffer area that includes a publicly accessible walking trail, seating and peripheral landscaping. Screening is provided through vegetation and a six foot tall wood fence along the full western boundary. The applicant is also providing ground level landscaping at the rear of the garage where it is not wrapped by the building.

The Comprehensive Plan streetscape guidelines for North Kings Highway are a nine foot wide landscape area against the road, six foot wide sidewalk and five foot wide area adjacent to the building. The proposed streetscape provides the nine foot wide landscape area, six foot wide sidewalk and twelve to twenty-one feet wide landscaped area adjacent to the building. If the right turn lane cannot be accommodated by existing right-of-way, the streetscape would be modified to a four foot wide landscape area, six foot wide sidewalk and five to fifteen foot wide landscape area next to the building. In staff's opinion, the modified streetscape would still be acceptable.

In staff's opinion, the applicant has provided for a high quality design that will transition to the adjacent retail and residential and this criterion has been met.

#### **Environment (Appendix 8)**

All new residential developments are expected to respect the environment. The criterion enumerates several principals that should be addressed: a) natural environmental resources should be preserved, b) existing topographic conditions and soil characteristics should be considered, c) off-site impacts on water quality should be minimized by commitments to state of the art best managements practices and low impact site design techniques, d) the volume and velocity of stormwater runoff should be managed to avoid impacts on downstream properties, e) future and current residents should be protected from the adverse impacts of transportation generated noise, f) any exterior lighting fixtures should minimize neighborhood glare and impacts to the night sky, and g) use site design techniques to achieve energy savings and be designed to encourage and facilitate walking and bicycling.

The applicant has proffered to design and construct the building to LEED Silver certification under either the New Construction (LEED-NC) or LEED for Homes Multifamily Mid-Rise rating system. The applicant has provided proffers to attain a sufficient level of design-oriented credits for LEED-Silver in the USGBC's preliminary review. If the applicant fails to achieve this level of credits in the preliminary review, it will post an escrow of \$2/square foot of gross floor area to be released upon demonstrating that LEED-Certification or higher level has been met.

The applicant will be providing bicycle storage facilities and parking for a minimum of 40 bikes. The applicant has proffered to mitigate transportation generated noise for



the interior of the dwelling units to 45 dBA. The development will be using full cut-off lighting. The applicant will be providing for stormwater management above the minimum requirements of the PFM as detailed below under the Public Facilities section below. In staff's opinion, this criterion has been met.

### **Tree Preservation & Tree Cover Requirements (Appendix 10)**

Regardless of the proposed density all residential developments are expected to be designed to take advantage of existing quality tree cover. Tree cover in excess of the ordinance requirement is highly desirable.

Approximately 39% of the site (14,744 square feet) is covered by existing tree canopy. The ten year canopy requirement is 10% of the entire site (14,744) and the tree canopy requirement that should be met through preservation is 39% or 8,620 square feet. The applicant is not proposing to preserve any of the existing trees with the development. The 10% tree canopy target is proposed to be met by new landscaping. The applicant is requesting a waiver for their tree preservation target. As detailed below staff supports the proposed waiver. Staff notes that the applicant will be working with the Urban Forestry Management Branch to implement measures to protect off-site trees. The applicant revised their plans to provide for the required 10-year tree canopy along the western boundary, identified easements and has provided justification for the tree preservation waiver. In staff's opinion, this criterion has been met.

### **Transportation (Appendix 11)**

Regardless of the proposed density all residential developments are expected to implement measures to address planned transportation improvements and offset their impacts to the transportation network. The criterion contains principles that will be used in the evaluation of rezoning applications for residential development, while noting that not all principles will be applicable in all instances. The principals include transportation improvements, transportation management, interconnection of the street network, provision of public streets and non-motorized facilities.

The applicant has proffered to provide for a number of transportation improvements in the vicinity of the site including two bus shelters, an additional left turn lane on North Kings Highway and Shields Avenue, additional on-street parking on School Street, traffic island enhanced landscaping, sidewalks and crosswalks on School Street, and exclusive right and left turn lanes on eastbound School Street at North Kings Highway. Staff notes that some of these improvements will require Virginia Department of Transportation (VDOT) approval. The applicant is providing on-site and off-site improvements to pedestrian mobility and access to transit. A sidewalk will be provided from North Kings Highway to the garage rear pedestrian entrance. The applicant will provide a five foot wide sidewalk along Poag Street and a six foot wide sidewalk along the North Kings Highway.



The applicant has proffered a transportation demand management (TDM) plan with a goal of 25% reduction of p.m. peak hour trips. The applicant has proffered to contribute \$20,000 for traffic calming in the area and \$94,000 for area transportation improvements for the realignment of Shields Avenue. The applicant based the \$94,000 amount on a 4.7% contribution on the assumed two million dollar improvement of realigned Shields Avenue. The 4.7% was based on the percentage of net new site generated trips in the total future traffic forecasts.

In staff's opinion, the proposed TDM reduction, \$20,000 traffic calming contribution and actual improvements are satisfactory. However, staff does not agree with the proposed \$94,000 contribution. Staff's analysis is that the Shields Avenue realignment will be four million dollars and a 4.7% contribution would be \$188,000. The applicant states that their proposed transportation improvements are \$80,000 for two bus shelters, \$60,000 for the North Kings Highway turn lane, \$70,000 for the traffic island improvements, \$150,000 for the traffic signal at Poag Street, \$37,500 for additional School Street sidewalks, \$30,000 for School Street crosswalk, \$150,000 for School Street turn lane and \$25,000 for Mount Eagle trail for over \$600,000 in improvements. The Comprehensive Plan specifically identifies School Street for traffic calming and sidewalks to be provided. The provision of bus shelters should be viewed as an extension of their TDM improvements. While the traffic island landscaping is beneficial it should not be counted against transportation improvements. Staff recognizes that the applicant has provided for traffic improvements instead of contribution for the turn lanes on School Street (\$150,000) and North Kings Highway (\$60,000). In staff's opinion, the interim improvements have value and may warrant a reduction in the requested contribution, however, staff still feels that the applicant should increase their contribution.

### **Public Facilities**

Residential developments are expected to offset its public facility impact, including schools, parks, sanitary sewer, fire and rescue, water facilities and stormwater management.

#### Public School Review: (Appendix 12)

It is anticipated that the proposed development would generate eleven additional elementary age children who would attend Mount Eagle Elementary. The elementary school has capacity for 52 students for the 2012-2013 school year, but is projected to be 52 students over capacity in 2016-2017. The development is projected to generate three additional middle school students who would attend Twain Middle School. The middle school has a capacity of 138 students and projected capacity of 59 students in 2016-2017. The development is projected to generate six additional high school students who would attend Edison High School. The high school has a capacity of 358 students with a projected capacity of 296 students in 2016-2017.



In total the development is projected to have twenty additional school children. The applicant has proffered to contribute \$187,560 (\$9,378 per additional student) to the County for capital improvement projects for the schools serving the site. In addition, the applicant proffered to provide for the repaving of an existing trail along School Street linking School Street to the rear of Mount Eagle Elementary School.

Park Authority Review: (Appendix 13)

The applicant will be providing on-site recreational amenities and is required to provide a minimum of \$1,700 per non-ADU in outdoor amenities. The outdoor amenities include the two courtyard areas that include a swimming pool, spa and open play areas. Typically the required contribution is used for on-site amenities; however, the new residents generate a greater need for active recreation such as athletic fields and playgrounds that the Park Authority must provide. To off-set the increased demand the applicant was requested to contribute an additional \$457,216 for the development of one or more parks located within the service area of the property. The applicant was also requested to provide 0.77 acres within publicly accessible open space on-site. The majority of the open space on the site is for residents only and the applicant has only provided for approximately 0.14 acres as publicly accessible open space outside of the streetscape. The Park Authority suggested that the applicant redesign the site to make the interior open space more accessible and open to the public. The applicant did not redesign the site to relocate the interior courtyard to the North Kings Highway frontage.

The applicant proffered \$330,000 for additional park contribution for off-site improvements. The applicant stated that they anticipate an average of only 1.5 residents generated per unit compared to the 2.09 assumed by the Park Authority. The applicant's numbers are based on the mix of 165 one bedroom (1.25 residents generated) and 80 two bedroom (2 residents generated) apartments. In the event the unit mix is adjusted the contribution would also be adjusted.

Stormwater Management Review: (Appendix 3 and 14)

There are no floodplains or Resource Protection Area (RPA) on this site. There are no recent downstream drainage complaints on file. The site is within both the Belle Haven and Cameron Run Watersheds. The applicant proposes to manage stormwater through two underground vaults, one to be located within the buffer area next to the western boundary line, and one in Courtyard B. Rain garden bio-filters are proposed along the perimeter of the building, between the structure and the sidewalk along Poag Street. A waiver of the underground detention facility in a residential area is required. The Department of Public Works and Environmental Services recommends approval of the waiver subject to conditions detailed in their attached memorandum in Appendix 3. Additional review is provided under the waivers and modification section below. The applicant is proffering to implement stormwater management techniques to control quality and quantity of stormwater runoff, with a list of several Best Management Practices (BMPs). Specifically the



applicant will design to release runoff at 60% of the allowable rate and design bio-retention planters to have 65% phosphorous removal efficiency with stormwater filter having 50% efficiency.

Sanitary Sewer Review: (Appendix 15)

The site is located in the Cameron Run (J-1) watershed and would be sewer into the Alexandria Sanitation Authority. An existing eight inch line located in the street is adequate for the proposed use. Based upon current and committed flow there is excess capacity in the Alexandria Sanitation Authority.

Fire and Rescue Department Review: (Appendix 16)

The site is serviced by the Penn Daw Station #411 and currently meets fire protection guidelines.

Water Service Review: (Appendix 17)

The site is serviced by Fairfax Water and has adequate service from existing four, six and twelve inch water mains.

**Affordable Housing**

Ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. The applicant can elect to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board. Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs.

In accordance with the Policy Plan guidelines the applicants have proffered to provide a minimum of 12% (29 units) of the 245 units as affordable housing (affordable dwelling units and workforce housing). The units are distributed between the affordable dwelling unit program (6.25% or 15 units) and the workforce housing program (5.75% or 14 units). The applicant has proffered to provide workforce housing in accordance with the Board of Supervisors policy that stipulates 50% of the units to be rented to residents at 80% of the Area Median Income (AMI) and 50% at 100% of the AMI. If the units are offered for sale the workforce housing policy stipulates the units be offered equally at 80%, 100% and 120% AMI. The affordable dwelling unit program requires 1/3rd of the units to be rented to residents at 50% AMI



and 2/3<sup>rd</sup> at 65% AMI. The current AMI for a family of four is \$107,100. In staff's opinion, this standard has been met.

### **Heritage Resources**

Heritage resources are those sites or structures, including their landscape settings that exemplify the cultural, architectural, economic, social, political, or historic heritage of the County or its communities. Such sites or structures have been 1) listed on, or determined eligible for listing on, the National Register of Historic Places or the Virginia Landmarks Register; 2) determined to be a contributing structure within a district so listed or eligible for listing; 3) located within and considered as a contributing structure within a Fairfax County Historic Overlay District; or 4) listed on, or having a reasonable potential as determined by the County, for meeting the criteria for listing on, the Fairfax County Inventories of Historic or Archaeological Sites. Sites with heritage resources are preserve and/or document the resource.

The corner lot was the location of the former Groveton Police Substation and that building was last used as an office and is currently vacant. There are no known heritage resources worthy of preserving or documenting.

## **ZONING ORDINANCE PROVISIONS (Appendix 18)**

### Standards for all Planned Developments (Sect. 16-100)

Section 16-101 contains six general standards that must be met by a planned development. Section 16-102 contains three design standards to which all Conceptual and Final Development Plans are subject. The standards are summarized below and included in Appendix 18.

### Sect. 16-101, General Standards

General Standard 1 requires that the planned development substantially conform to the adopted comprehensive plan with respect to type, character and intensity.

The Comprehensive Plan intensity is 1.40 for the entire Sub-Unit H-1. While the applicant's site exceeds that intensity on its own the intensity permitted on the entire Sub-Unit is 1.40 when considering the existing and proposed development. As previously stated staff feels the applicant has provided for functional and aesthetic consolidation with the shopping center to the north and has adequately buffered the residential to the west. In staff's opinion, the proposed development is in accordance with the Comprehensive Plan for type, character and intensity and this standard has been met.



General Standard 2 requires that the planned development achieves the stated purpose and intent of the planned development district more than under a conventional district.

The purpose of the Planned Residential Mixed Use (PRM) District is to provide for high density, multiple family residential developments, generally with a minimum density of 40 dwelling units per acre. PRM Districts are intended to locate in those areas where high density residential development is in accordance with the adopted comprehensive plan. The PRM District regulations are designed to promote high standards in design and layout, to encourage compatibility among uses within the development and integration with adjacent developments.

A conventional district could not achieve the intensity envisioned by the Comprehensive Plan and a planned district is required for the envisioned high density residential development. As previously stated staff feels the applicant has provided for a high quality layout and façade treatment. The buildings are located close to the road and provide buffers to the adjacent residential with landscaping and reducing the building height. In addition, the applicant has committed to upgrading the School Street Shopping Center to integrate the sites. In staff's opinion, this standard has been met.

General Standard 3 requires the planned development efficiently utilize the land and preserve scenic and natural features to the extent possible.

With the exception of existing trees there are no scenic assets on the site. The trees are not proposed to be preserved with the development. As stated below staff supports the tree preservation waiver. In staff's opinion, this standard has been met.

General Standard 4 requires that the planned development be designed to prevent substantial injury to surrounding development and not deter or impede development.

The applicant provides for a stepped down building on the western perimeter to transition to the single family homes to the west. In addition, the applicant has provided for a 50 foot wide open space area to buffer the development to the residential to the west. The applicant has proffered to provide \$250,000 for improvements for the off-site School Street Shopping Center. In staff's opinion, the development will not injure or deter adjacent development and this standard has been met.

General Standard 5 requires the planned development to be located in an area with adequate public facilities.

Public facilities are available at the site and the applicant has proffered to provide



transportation improvements for the area. In staff's opinion, this standard has been met.

General Standard 6 requires the planned development provide coordinated linkages.

The development provides for an internal pedestrian network and provides off-site improvements to the pedestrian and vehicular networks. In staff's opinion, this standard has been met.

#### Sect. 16-102, Design Standards

The design standards specify that the peripheral yards should generally conform with the setbacks for the most similar conventional district, provide for adequate parking and street system.

The closest conventional district would be the R-30 District (Residential, thirty dwelling units per acre) with affordable dwelling units. A conventional R-30 district would not allow for the intensity envisioned by the Comprehensive Plan. An R-30 Districts allows a maximum building height of 150 feet and the applicant is proposing a maximum height of 50 feet. An R-30 District with affordable dwelling units requires 15 foot front, 10 foot side and 15 foot rear yards. The applicant is proposing approximately 12½ to 21 foot front yard on North Kings Highway and 18 feet on Poag Street. Staff notes that if additional right-of-way is required for a right turn lane the streetscape would be reduced to 5-15 feet on North Kings Highway. The northern boundary provides approximately 18½ to 20½ setbacks, the northwestern provides approximately 28½ and the western provides a 50 foot plus setback. The R-30 District requires 26% open space and the applicant is providing 28%. Portions of the North Kings Highway would be closer then permitted in a conventional district under either scenario. However, in staff's opinion, the applicant has maintained the streetscape per the Comprehensive Plan and the proposed setback is adequate. The applicant will provide for the required parking spaces. The applicant has requested a modification of the loading space requirement that staff supports. The applicant will be providing for an improved pedestrian network in the area by constructing new sidewalks in areas where it is missing. The applicant will also be providing road improvements and contributions towards future improvements. However, staff would prefer a larger contribution for the future realignment of Shields Avenue. In staff's opinion, this standard has been met.

#### Overlay Districts

The site is in a Highway Corridor and Richmond Highway Commercial Revitalization (CRD) Overlay District. The purpose and intent of the Highway Corridor (HC) Overlay District it is to protect and promote the health, safety and general welfare of the public by the prevention or reduction of traffic congestion and/or danger in the



public and private streets. A limitation is placed on certain automobile oriented, fast service, or quick turn-over uses within this overlay district. This application is not proposing any automobile oriented uses and the overlay district has no impact on the development. The Richmond Highway Commercial Revitalization District was established to encourage economic development activities in this older commercial area of the County in order to provide desirable employment and enlarge the tax base. Commercial revitalization districts are intended to enhance the older commercial areas of the County by providing for specific regulations which are designed to facilitate the continued viability and redevelopment of these areas. To that end, the district is intended to provide for additional flexibilities for development and redevelopment in these areas while also providing for urban design measures such as streetscape and landscaping. As previously stated the development provides for the streetscape envisioned for this area with minor modifications if additional right-of-way is needed for a right turn lane.

### **Modifications/Waivers**

#### Waiver to allow underground stormwater management (Appendix 3)

The applicant requests a waiver of Section 6-0303.8 of the Public Facilities Manual (PFM) to allow for an underground stormwater vault on a residential property. The Board of Supervisors may grant the waiver after taking into consideration possible impacts on public safety, the environment, and the burden of maintenance. Underground stormwater management is required to be privately maintained, disclosed to future title owners, not located in a County storm drainage easement, and has a private maintenance agreement. The Department of Public Works and Environmental Services (DPWES) reviewed the requested waiver. Staff has proposed conditions to address security concerns by requiring locking manholes, liability insurance and a hold harmless agreement for the County. The facility is located in an area that is largely disturbed with the existing house and driveway. Staff has a concern of the viability of the proposed landscaping in proximity to the vault and has proposed a condition to require routine inspection and if necessary replacement of trees along the western boundary. It is anticipated that the residential units will be for rent, but could be offered for sale. Staff has proposed conditions requiring notice to future owners and the establishment of a maintenance fund. Staff supports the proposed waiver subject to the proposed conditions provided in Attachment A of Appendix 3.

#### Tree Preservation Target

The applicant requests a waiver of Section 12-0508 of the Public Facilities Manual (PFM) for the tree preservation target. Retention of the existing interior trees would not allow for the proposed construction. In accordance with PFM 12-508.3A (1) a deviation can be permitted if the preservation target would preclude the intensity allowed in the Zoning Ordinance. In addition, PFM 12-508.3A (3) permits a waiver if the construction activities would reasonably be expected to impact existing trees to



the extent they would likely not survive in a healthy and structurally sound manner. The development proposes to clear and grade the entire site. The proposed building would impact almost all of the existing trees and the stormwater management facility would impact the trees along the western boundary. Between the building and stormwater facility it is not likely that any onsite trees could remain and if they were preserved they would likely not survive. The applicant has proffered to working with the Urban Forestry Management Division to develop and implement measures to avoid impacts to off-site trees. Staff supports the proposed waiver.

#### Modification of Loading Spaces

The applicant requests a modification of the loading spaces requirements of Section 11-203 of the Zoning Ordinance to provide one space instead of four spaces. The loading space would be used by future residents and the building management would have the ability to require residents to schedule the use of the loading facility to ensure that multiple users will not need the facility at the same time. Staff supports the proposed modification.

#### Modification of Transitional Screening and Barrier Requirement

The applicant requests a modification of the transitional screening and barrier requirement along the western and northwestern boundary to permit the landscaping and barrier as shown on the CDP/FDP.

In accordance with Section 13-303 of the Zoning Ordinance a Transitional Screening Type 1 (25 foot wide landscape buffer) is required along the western and northwestern property boundary where the site is adjacent to single family detached units. The applicant has provided for approximately 10 to 20 feet of transitional screening along the property boundary. The modification would allow for the landscaping as shown on the CDP/FDP.

In accordance with Section 13-304 of the Zoning Ordinance a Barrier D (42-48" tall chain link fence), E (six foot tall wall) or F (six foot tall fence) is required along the western and northwestern boundary where the site is adjacent to single family detached units. The applicant is providing for a Barrier F (six foot tall board on board fence); however, the fence is proposed along the property boundary instead of the interior of the transitional screening yard. The modification would allow for the proposed location.

Section 13-305 of the Zoning Ordinance allows for modifications of the requirements. Specifically Paragraph 3 that allows for the modification when the barrier and buffer have been designed to minimize adverse impacts through a combination of architecture and landscape techniques. In accordance with the Comprehensive Plan the applicant has provided for a public accessible open space along the western property. In addition, the multi-family building is stepped down to three levels and a maximum of forty feet along the western edge. The building is



setback is 50 feet from the western property line. In staffs' opinion, the design of the structure, setback and provision of public open space adequately minimizes the adverse impacts of the structure and satisfies the requirement to permit a modification. Staff supports the proposed modifications of the transitional screening and barrier requirements.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The applicant has consolidated the entire sub-unit with the exception of the School Street Shopping Center. While the School Street Shopping Center is not a part of the consolidation the applicant has proffered to provide significant improvements to the center by providing new façades, streetscape, parking, stormwater management and providing a functional and aesthetic coordination between the sites. The applicant has provided for a high quality site design that transitions well to the adjacent residential and commercial properties. The applicant has provided for an energy efficient building and has provided proffers to attain a sufficient level of design-oriented credits for LEED-Silver. The applicant has provided for off-site improvements to sidewalks and trails for the community. The applicant has provided for road improvements on School Street and North Kings Highway in addition to contributions for future improvements. However, staff still would like to see the transportation contribution increased. The applicant has provided for 12% of the units as affordable housing. In staff's opinion, the application is in conformance with the Comprehensive Plan and has met the general and design standards for planned districts.

### **Recommendations**

Staff recommends approval of RZ 2011-LE-016 and the associated Conceptual Development Plan (CDP), subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report

Staff recommends approval of FDP 2011-LE-016, subject to the proposed Final Development Plan conditions contained in Appendix 2 of the staff report and the Board of Supervisors approval of RZ 2011-LE-016 and the associated Conceptual Development Plan (CDP).

Staff recommends approval of a waiver #5490-WPFM-002-1 of Section 6-0303.8 of the Public Facilities Manual (PFM) to allow for an underground stormwater vault on a residential property subject to the waiver conditions dated March 15, 2012 in Attachment 3A of Appendix 3 of the staff report.

Staff recommends approval of a waiver of Section 12-0508 of the Public Facilities Manual for the tree preservation target.



Staff recommends approval of a modification of the loading spaces requirements of Section 11-203 of the Zoning Ordinance to provide one space instead of four spaces.

Staff recommends approval of a modification of Section 13-303 for the transitional screening requirement and Section 13-304 of the Zoning Ordinance for the barrier requirement along the western and northwestern boundary subject to the landscaping and barrier as shown on the CDP/FDP.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicants/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

## **APPENDICES**

1. Proffers
2. Final Development Conditions
3. Waiver #5490-WPFM-00201 Analysis and Conditions
4. Statements of Justification
5. Affidavit
6. RZ 84-L-041 Proffers
7. Residential Development Criteria
8. Comprehensive Plan/Land Use and Environmental Analysis
9. Office of Community Revitalization Analysis
10. Urban Forest Management Review
11. Transportation Analysis
12. Public Schools Review
13. Park Authority Review
14. Stormwater Management Review
15. Sanitary Sewer Review
16. Fire and Rescue Review
17. Water Service Review
18. Applicable Zoning Ordinance Provisions
19. Glossary of Terms



**PROFFERS  
CITY VIEW  
RZ/FDP 2011-LE-016**

March 2, 2012  
March 19, 2012  
April 20, 2012  
May 4, 2012  
May 11, 2012  
May 16, 2012  
May 22, 2012

Pursuant to Section 15.2-2303 (A) of the Code of Virginia(1950, as amended) and Section 18 -204 of the Zoning Ordinance of Fairfax County ( 1978, as amended ), the property owner/applicant, for itself and its successors and/or assigns (hereinafter collectively referred to as the "Applicant"), hereby proffer that the development of the parcels under consideration and shown on the Fairfax County tax maps as Tax Map 83-3-((11))-2, 3, 4, 5, & 6 and 83-3-((04))-A (collectively, the "Property") shall be in accordance with the following conditions if, and only if, Rezoning application RZ/FDP 2011-LE-016 is granted by the Board of Supervisors of Fairfax County, Virginia. In the event said application request is denied or the Board's approval is overturned by a court of competent jurisdiction, these proffers shall be null and void. Approval of this rezoning application shall supersede and replace the prior approval on a portion of the Property pursuant to RZ 84-L-041 and all proffers, conditions, and development plans associated therewith shall be null and void.

**PREAMBLE**

1. Conceptual/ Final Development Plan. The Property shall be developed in substantial conformance with the Conceptual Development Plan ("CDP ") and Final Development Plan ("FDP ") entitled "CITY VIEW CDP/FDP" dated March 2011 and revised through May 22, 2012, prepared by Urban, Ltd., consisting of Sheets 1 through 24.
2. Elements of CDP. Notwithstanding the fact that the CDP and FDP are presented on the same plan, the elements that are components of the CDP are limited to the perimeter points of access, the location of the buildings and amount and location of open space, uses, minimum and maximum number of dwelling units, the amount of non -residential uses, building heights, and setbacks from the peripheral lot lines and a modification to such elements shall require a subsequent CDPA or Proffered Condition Amendment. The Applicant reserves the right to request a Final Development Plan Amendment (FDPA) for elements other than Conceptual Development Plan (CDP) elements from the Planning Commission for all or a portion of the FDP in accordance with Section 16-402 of the Zoning Ordinance if such an amendment is in accordance with these Proffers as determined by the Zoning Administrator.



3. Minor Modifications. Minor modifications to the CDP/FDP may be permitted when necessitated by sound engineering or that may become necessary as part of final site design or engineering, pursuant to Section 16-403(4) of the Zoning Ordinance. Minor modifications of building footprints may be permitted and the number of residential units (as defined herein) and corresponding adjustments made in required parking, Affordable Dwelling Units ("ADUs") and Workforce Dwelling Units ("WDUs") may be made, so long as (a) the provided open space is not reduced; (b) the building height is not increased; (c) the setbacks to the peripheral lot lines are not diminished; and (d) the development otherwise is in substantial conformance with the CDP/FDP as determined by the Zoning Administrator.

### **GENERAL**

4. Proposed Development. Development on the Property shall include a maximum of 256,000 square feet of GFA, including Affordable Dwelling Units (ADUs), Workforce Dwelling Units (WDUs), and bonus GFA associated with the provision of ADUs and WDUs. A maximum of 245 residential units (including ADUs and WDUs) shall be constructed on the Property. Accessory uses and home occupations, including business centers inside the residential buildings are permitted. The Applicant reserves the right to construct service, resident amenity and storage uses in the cellar. The cellar space shall not contain habitable residential units. Telecommunication facilities are also permitted, provided such facilities are flush mounted and otherwise designed to be visually unobtrusive as determined by the Zoning Administrator. Commuter parking for non-residents shall not be permitted.
5. Building Height. The maximum building height shall be no greater than 4 stories or 50 feet. However, the portion of the building closest to Tax Map Number 83-3-((35))-0001 and labeled on Sheet 5 of the CDP/FDP as "PROP. BUILDING 1 MAX. HEIGHT = 40' (3 STORIES)" shall not exceed 3 stories or 40 feet. Building height shall be measured in accordance with the provisions of the Fairfax County Zoning Ordinance and shall be exclusive of those structures that are excluded from the maximum height regulations as set forth in Section 2-506 of the Zoning Ordinance.

### **PARKING**

6. Zoning Ordinance Requirements. Parking shall be provided at the minimum parking requirements of Article 11 of the Fairfax County Zoning Ordinance in effect at the time of approval of this rezoning application, but in no case less than 1.6 parking spaces per dwelling unit. If parking is to be assigned to specific dwelling units, not less than one space shall be assigned to each unit, including ADUs and WDUs. All parking shall conform with the geometric requirements set forth in the Fairfax County Public Facilities Manual (PFM).



## **ZONING ORDINANCE**

7. Bicycle Parking. The Applicant shall install bicycle racks in the locations generally shown on Sheet 10 of the CDP/FDP, or in an alternative location determined in consultation with DPWES and FCDOT, and provide bike parking/storage facilities within the residential structure or parking structure. The racks and storage facilities shall collectively accommodate parking for no less than 40 bikes.

## **TRANSPORTATION**

8. Bus Shelters. The Applicant shall provide two new solar powered bus shelters at the intersection of Poag Street and North King Highway, in the general locations shown on sheet 5 of the CDP/FDP. Final location and design of the bus shelters shall be determined in consultation with the Fairfax County Department of Transportation (FCDOT) and the Virginia Department of Transportation (VDOT) at the time of site plan review. The bus shelter shall be installed prior to issuance of the first Residential Use Permit ("RUP").
9. North Kings Highway Left Turn Lane. Subject to VDOT approval, the Applicant shall provide for the addition of a left turn lane at North Kings Highway and Shields Avenue and adjustment of the island configuration as generally depicted on sheet 23 of the CDP/FDP. The design shown on sheet 23 of the CDP/FDP is conceptual and subject to final engineering. Such improvement shall be substantially completed prior to issuance of the first RUP. For purposes of this proffer, the term "substantially completed" is defined as constructed and available for use by the public but not necessarily accepted for maintenance by VDOT.
10. Traffic Island Improvements. Prior to the issuance of the first RUP, the Applicant shall provide public art and enhanced landscaping on the traffic island as generally shown on sheet 23 of the CDP/FDP. All plantings and improvements within the traffic island are subject to approval by VDOT. The Applicant shall also assume maintenance responsibility for all improvements installed in the traffic island pursuant to this proffer, subject to approval of such maintenance responsibility by VDOT.

The final landscaping plan for the traffic island shall incorporate public art visible to both vehicles and pedestrians. The Applicant shall partner with local artists, including but not limited to the Lorton Arts Foundation Workhouse Arts Center. The public art may be rotated at the Applicants discretion. The provision of public art shall be subject to approval by VDOT. The initial selection of public art and final location shall be selected by the Applicant in coordination with the Lee District Supervisor.

11. Traffic Signal. Prior to the issuance of the first RUP, the Applicant shall add a



new traffic and pedestrian signal at North Kings Highway and Poag Street if it is approved and warranted by VDOT. The Applicant shall perform a warrant study for submission to VDOT. If the signal is not warranted by VDOT, the Applicant shall escrow funds for construction of a future signal by others.

12. Sidewalks and Crosswalks.
  - A. Prior to the issuance of the first RUP, the Applicant shall add two pedestrian crosswalks at North Kings Highway and Poag Street.
  - B. Prior to the issuance of the first RUP, the Applicant will construct a missing portion of the sidewalk along School Street consisting of approximately 700 linear feet generally between Pine Grove Circle and Shaffer Drive. The final location and configuration of the sidewalk shall be determined at site plan approval based on site conditions and the availability of existing right-of-way.
  - C. Subject to VDOT approval, and prior to the first RUP, the Applicant shall provide up to two (2) cross-walks on School Street in locations determined in consultation with VDOT, FCDOT, the community, and the Lee District Supervisor's office and connect the median pedestrian improvements across North Kings Highway.
  - D. Prior to the issuance of the first RUP, the Applicant shall repave the existing trail located between 2810 School Street and 2806 School Street, linking School Street to the rear of Mount Eagle Elementary School.
13. School Street Turn Lane. Subject to VDOT approval, the Applicant shall construct an additional turn lane along School Street and provide the re-stripping of School Street in general accordance with sheet 22 of the CDP/FDP. The Applicant shall construct an on-street loading/unloading area with handicap parking in general accordance with sheet 22 of the CDP/FDP. These are conceptual drawings and subject to final engineering. Such improvement shall be substantially completed prior to issuance of the first RUP. For purposes of this proffer, the term "substantially completed" is defined as constructed and available for use by the public but not necessarily accepted for maintenance by VDOT.
14. North Kings Highway Right Turn Lane. If warranted and/or required by VDOT, the Applicant shall install a right-turn lane from North Kings Highway to Poag Street by restriping the existing pavement. Such restriping shall be subject to approval by DPWES and VDOT. Should the Applicant be unable to obtain the necessary approvals to implement the re-stripping, the Applicant reserves the right to construct the alternative turn lane shown on Sheet 24 of the CDP/FDP. Such improvement shall be substantially completed prior to issuance of the first RUP. For purposes of this proffer, the term "substantially completed" is defined as constructed and available for use by the public but not necessarily accepted for maintenance by VDOT.
15. The Applicant's obligation to construct the improvements in Proffers 8, 9, 10, 11, 12, 13, and 14 (collectively the "Transportation Improvements") shall be



contingent on the Applicant receiving any and all rights-of-way, easements and/or written consent necessary for the construction of the Transportation Improvements from any property owner, utility companies, and/or any governmental agencies (collectively, the "Approving Parties"), which approval(s) shall be granted at no cost to the Applicant, except for typical administrative fees and costs associated with preparation, approval and recordation of deeds, plans and plats and any other nominal fees. During site plan review, the Applicant shall diligently pursue and make good faith efforts to secure any such necessary approvals from the Approving Parties. In the event the Applicant is unable to secure necessary approvals from the Approving Parties prior to the time of receiving site plan approval, the Applicant shall provide written documentation of such efforts to DPWES and the Zoning Administrator and escrow funds for the future construction of the Transportation Improvements in an amount determined by DPWES and the Zoning Administrator to be sufficient for future construction by others.

If the Transportation Improvements require dedications by others and the Applicant is unable to obtain the necessary dedication by others, then the Applicant shall request the Board of Supervisors to condemn the necessary land and/or easements. It is acknowledged such request to the Board of Supervisors will not be considered until it is forward in writing to the Division of Land Acquisition or other appropriate County official and is accompanied by: 1) plans, plats and profiles showing the necessary right-of-way and easements to be acquired and details of the proposed Transportation Improvements to be constructed on said area; 2) an independent, 3<sup>rd</sup> party appraisal of the value of the proposed condemnation, including all damages to the residue of the property; 3) a sixty (60) year title search certificate of the right-of-way to be acquired; and (4) a letter of credit in an amount equal to the appraised value of the property to be acquired and all damages to the residue which can be drawn upon by the County. The public improvement plans shall be submitted to FCDOT concurrent with the Applicant's submission of such plans to DPWES. It is acknowledged that in the event the award for the condemnation is more than the appraised value, the amount of the award in excess of the letter of credit amount shall be paid to the County by the Applicant with forty-five (45) days of said award. In addition, the Applicant agrees that all reasonable and documented sums expended by the County in acquiring the right-of-way and necessary easements shall be paid to the County by the Applicant within sixty (60) days of such demand.

In the event the offsite right-of-way and/or easement described above cannot be acquired voluntarily, and Board of Supervisors elects not to condemn for such right-of-way, then the Applicant shall, prior to issuance of the building permit for the Building triggering the particular improvement, escrow funds with DPWES in an amount equal to the cost of constructing the improvement, including but not limited to the cost of right-of-way acquisition and utility relocation. Such funds shall be for use by the Board of Supervisors and/or VDOT to complete



such improvement in the future and the Applicant shall be relieved of its obligation to complete the improvement.

16. Transportation Improvement Timing. The Zoning Administrator may administratively approve a later date for completion of the Transportation Improvements without requiring a PCA upon demonstration by the Applicant that despite diligent efforts and due to factors beyond the Applicant's control, the required Transportation Improvements have been delayed.
17. Transportation Contribution. At the time of final site plan approval, the Applicant shall contribute \$94,000 for the re-alignment of Shields Avenue and other transportation improvements in the immediate area of the Property.
18. Traffic Calming Contribution. At the time of final site plan approval, the Applicant shall contribute \$20,000 for the construction and implementation of traffic calming measures on School Street.
19. Transportation Demand Management. This Proffer sets forth the programmatic elements of a transportation demand management program that shall be implemented by the Applicant, and subsequently, as appropriate, the property owner or Condominium Owners Association (COA), to encourage the use of transit (Metrorail and bus), other high-occupant vehicle commuting modes, walking, biking and teleworking, all in order to reduce automobile trips generated by the residential uses constructed on the Property.
  - A. Trip Reduction Goals. The objective of the TDM Plan shall be to reduce the number of weekday peak hour vehicle trips generated by the residential uses located within the Property through the use of mass transit, ridesharing and other strategies including but not limited to those outlined in the TDM Strategic Plan. In addition, the implementation of enhanced pedestrian and bicycle connections/facilities will provide safe and convenient access to nearby Metrorail and bus facilities thereby encouraging commuting options other than the automobile to residents, employees and visitors to the Property.
    - i. Baseline. The baseline number of weekday peak hour residential vehicle trips for the proposed units within the Property against which the TDM Goals (as defined in subparagraph A.2.) will be measured shall be derived upon the number of residential units site plan approved, constructed and occupied on the Property as part of the proposed development at the time traffic counts are conducted in accordance with subparagraph H.1. or as qualified below and using the trip generation rates/equations applicable to such residential uses as set forth in the Institute of Transportation Engineers, Trip Generation, 7th Edition for Land Use Code = 220. In the event at Build Out, the Applicant has constructed fewer than 245 multifamily residential units as part of the proposed development, then the Baseline Trip generation



numbers applicable upon Build Out shall be calculated as if 245 residential units had actually been constructed as reflected in the Traffic Impact Study for the City View prepared by Wells and Associates, Inc. dated March 16, 2010.

- ii. TDM Goal. The TDM strategies shall be utilized to reduce the P.M. peak hour vehicular trips by a minimum of twenty-five percent (25%) for the residential uses.

B. Components of the TDM Plan.

- i. Designation of TDM Program Manager (PM) to develop, implement and monitor the TDM Plan;
- ii. regular and on-going coordination with other Richmond Highway Corridor TDM programs and any Transportation Management Agency that may be established;
- iii. a targeted marketing program for residential sales/leases that encourages and attracts transit-oriented residents, such as bicyclists, one or no-car individuals/families and employees of nearby employers to live in the proposed development; provided, however, that such marketing shall be completed on a non-discriminatory basis in conformance with the Fair Housing Act and all other applicable laws and regulations;
- iv. integration of transportation information and education materials into residential sales/rental kits;
- v. coordination/assistance with vanpool and carpool formation programs, including but not limited to the County's ride matching services, with adjacent office buildings and homeowners associations and established local and/or regional guaranteed ride home programs;
- vi. establishment of a site-specific project website that includes multimodal transportation information, real-time travel and transit data, the possibility of online transit pass sales or value loading and connections to supporting links;
- vii. establishment of a location to be staffed/managed by the PM within the Property at which transit and ridesharing information is made available to residents; the location may be determined by the Applicant and may be part of the leasing/sales or concierge office or within the business center outlined in subparagraph 14 below;
- viii. a parking management plan, which shall include dedicated space for



residential vanpools;

ix. distribution of fare media or other incentives, at least one time, to all new residents of driving age, as well as on select occasions as an incentive;

x. subject to agreement with third-party vendor(s), use of car sharing program(s) such as Zip Car;

xi. "personalized transportation advising" integrated into new unit walk-throughs, including appropriate training of sales/leasing agents;

xii. all residential units shall be pre-wired to provide internet access (or other technology that may be available) to permit residents to access the internet from home;

xiii. space for and fit out of a business center for use by residents. Such business center shall consist of an aggregate of a minimum of 250 square feet of floor area and shall include areas for internet access, facsimile machine and copier; and

xiv. participation in the Regional Commuter Program.

C. TDM Plan and Budget. Within ninety (90) days following the issuance of the first building permit for the Property, the PM shall prepare and submit an initial TDM Plan to FCDOT and request in writing, the County's review and comment. The TDM Plan shall include (i) the start-up components of the TDM Plan that will be put in place and (ii) an initial budget sufficient to implement the TDM Plan for the remainder of the year and for the next calendar year (the "TDM Budget") which amount may be less but in no event shall not be more than \$39,050 (including the TDM Budget Contingency, as defined below) for each full calendar year, adjusted annually for inflation based on the CPI-U as defined in Proffer 38 unless increased at the sole discretion of the Applicant. With the submission of the initial TDM Plan, the Applicant shall provide the County with a copy of the approved proffers and the TDM Strategic Plan. The TDM Budget shall include a contingency equal to ten percent (10%) of the amount of the annual TDM Budget (the "TDM Budget Contingency"). If FCDOT has not responded with any comments to the PM within sixty (60) days of receipt of the initial TDM Plan and TDM Budget, the TDM Plan and TDM Budget shall be deemed approved. The Applicant shall provide written documentation demonstrating the establishment of the TDM Budget to FCDOT no later than thirty (30) days after FCDOT's response to the proposed TDM Budget and Plan or following the sixty (60) day period described above. Thereafter, the PM shall re-establish the TDM Budget for each successive calendar year, which shall



cover the costs of implementation of the TDM Plan for such year (including the TDM Budget Contingency) up to \$26,860 as may be adjusted annually for inflation based on the CPI-U or as increased at the Applicant's sole discretion. The PM shall furnish a copy of the TDM Budget and TDM Plan for each year to the FCDOT and request in writing the County's review and comment in conjunction with the submission of the Annual Report as outlined in subparagraph G.2. A line item for the TDM Account shall be included in the Condominium Owners Association (COA) budget, if such is ever established. The association documents that establish and control the COA shall provide that the TDM Account shall not be eliminated as a line item in the COA budget and that funds in the TDM Account shall not be utilized for purposes other than to fund TDM strategies. The TDM Account shall be funded solely by the Applicant until such time as assessments of residents are implemented as provided in the COA documents.

D. TDM Account.

- i. Initial Funding. Within thirty (30) days after FCDOT's response to the initial TDM Budget and TDM Plan or following the sixty (60) day process described above, the Applicant, through the PM, shall establish and fund the TDM Account in an amount equal to the initial TDM Budget for the TDM Plan and including the TDM Budget Contingency but in any event no more than \$39,050 per full calendar year and as may be adjusted annually for inflation per any changes in the CPI-U or as increased at the Applicant's sole discretion. The PM shall provide written documentation demonstrating the establishment of the TDM Account to FCDOT within ten (10) days of its establishment.
- ii. Annual Funding. The TDM Account shall be replenished annually thereafter based on the forthcoming year's estimated TDM Budget.
- iii. Management of TDM Account. The TDM Account shall be managed by the Applicant (or successor developer) through the PM until such time as the Applicant Control Period terminates. Thereafter, management of the TDM Account shall become the responsibility of the successor/COA. As applicable, a line item for the TDM Account shall be included in the COA budget upon the establishment of the COA. The association documents that establish and control the COA shall provide that the TDM Account shall not be eliminated as a line item in the UOA/COA budget, and that funds in the TDM Account shall not be utilized for purposes other than to fund the TDM Plan. The TDM Account shall be funded solely by the Applicant (or successor developer) until such time as the Applicant Control Period expires or the pro-rata assessments of residents are implemented as provided in the COA documents, whichever is first.



E. TDM Remedy Fund. Concurrent with the establishment and funding of the TDM Account, the Applicant shall establish a separate, interest-bearing account referred to herein as the "TDM Remedy Fund." All interest earned on moneys deposited in the TDM Remedy Fund shall be added to the principal of the TDM Remedy Fund and used for TDM Remedy Fund purposes. Within thirty (30) days after the issuance of the first RUP for the Property, the Applicant shall contribute \$5,000 to the TDM Remedy Fund (as may be escalated pursuant to Proffer 38). Moneys from the TDM Remedy Fund shall be drawn on by the Applicant/successor or COA only for purposes of immediate need of TDM funding and may be drawn upon prior to any TDM Budget adjustments that may be required under Paragraph D, above.

i. Excess Funds in TDM Account. Until such time as the TDM Goal is met, any funds remaining in the TDM Account at the end of any given year shall be carried over to the following year's TDM Budget or transferred in the Applicant's sole discretion, in whole or in part to the TDM Remedy Fund and/or Incentive Fund, as defined respectively in Paragraphs E or F. Neither the TDM Account nor TDM Remedy Fund will be required to accrue funds greater in value than 150% of the then-current TDM Account.

ii. Transfer of Remedy Fund. Upon expiration of the Applicant Control Period, the Applicant shall transfer any funds remaining in the Remedy Fund to the COA or successor developer/management company for TDM purposes.

F. TDM Purchase Incentives. Within thirty (30) days after the issuance of the first RUP for the Property, the Applicant shall make a one-time contribution of \$125/unit based on the total number of units reflected on the approved building plans to a segregated sub-account in the TDM Account to fund a transit incentive program for initial purchasers and/or lessees of residential units. Such program shall be prepared by the Applicant, in coordination with FCDOT, and shall include consideration for fare media distribution and value loading, financing incentives, and alternative incentives (such as grocery delivery) tailored to residents that are not likely to make use of alternative commute option benefits.

G. Monitoring and Reporting.

i. Surveys. Between September and November beginning with the year following issuance of the first RUP for the Property, the PM shall conduct a survey of residents (the "Survey") designed to evaluate the effectiveness of the TDM Plan in meeting the TDM Goal and to evaluate the need for changes to the TDM Plan. Following the first survey, the Applicant shall conduct additional surveys every two



years. Surveys can be a standalone activity or transportation questions can be added to an existing survey effort. The PM shall coordinate the draft Survey materials and the methodology for validating Survey results with FCDOT at least thirty (30) days prior to each Survey. If a Survey reveals that changes to the TDM Plan are needed or advisable, then the PM shall coordinate such changes with FCDOT and, as necessary, adjust the TDM Budget and implement the revisions for the following year's program. The PM shall submit as part of each Annual Report (defined below) an analysis of the Surveys to FCDOT. Such analysis shall include at a minimum:

1. A description of the TDM measures in effect for the survey period and a description of how such measures have been implemented;
  2. the number of people surveyed and the number of people who responded;
  3. the results of the surveys taken during the survey period;
  4. the number of residents, employees and/or others participating in the TDM programs, displayed by category and mode of use;
  5. an evaluation of the effectiveness of the TDM program elements in place, including their effectiveness at achieving the TDM Goal, and, if necessary, proposed modifications; and
  6. a description of the units constructed and occupied and the number of residential parking spaces leased/purchased on the Property at the time the survey was conducted.
- ii. Annual Report. The PM shall report annually to FCDOT on the TDM Plan (the "Annual Report") no later than January 31<sup>st</sup> of each calendar year and after completion of the Survey, as required, and the annual Trip Count, as required. The Annual Report shall include (a) a description of the prior year's TDM strategic efforts, including, as applicable, sample marketing materials; (b) a financial statement that includes the TDM Budget and TDM Account revenues and expenditures for the preceding year; (c) an analysis of the Survey for the preceding year, (d) a compilation and analysis of any Trip Counts that were conducted during the preceding year; (e) discussion of any changes to the TDM Plan for the upcoming year; and (f) the TDM Budget for the upcoming year.
- iii. Adjustments to Calendar and Due Dates. Upon mutual agreement between FCDOT and the PM, the due dates for the delivery of the



Annual Report may be extended by up to sixty (60) days if changes have occurred, or appear to have occurred, in trip characteristics resulting from changes to the TDM Plan that are not yet fully implemented as of the due date for the Annual Report.

- iv. Meetings with FCDOT. The PM shall meet with FCDOT annually, or as mutually agreed, to discuss the results of the Trip Counts, the Survey, the Annual Report and the TDM Plan.

#### H. Trip Counts.

- i. Annual Trip Counts. The PM shall conduct a Trip Count between September 1<sup>st</sup> and November 30<sup>th</sup> (excluding county/state/federal holiday weeks or when area public schools are not in session) beginning with the year following the issuance of the first RUP for the Property. The purpose of such Trip Count is to measure the actual vehicle trips generated by the residential uses constructed on the Property as of the date the Trip Count is completed and to evaluate whether such vehicle trips are less than, equal to or greater than the TDM Goal. Trip Counts provided to FCDOT shall include information on the number and percentage of RUPs as of the date of the Trip Count.
- ii. Methods. For purposes of this Proffer, Trip Counts shall be measured on three (3) days over a maximum two-week period (but not including a week containing a county/state/federal holiday or when area public schools are not in session) between September 1 and November 30 of each calendar year, or such other time as the PM and FCDOT shall mutually determine. At least thirty (30) days prior to conducting the Trip Counts, the PM shall meet with FCDOT to review and reach agreement on the dates and methodology for the Trip Counts and the analyses to be done after the Trip Counts are complete. The Trip Counts shall include Peak Hour counts of vehicles entering and exiting driveways to the Property. The Trip Counts shall be conducted so that only trips generated by the residential uses on the Property shall be counted.
- iii. Frequency of Trip Counts. Once initiated, the PM shall conduct Trip Counts annually until such time as two (2) consecutive annual Trip Counts conducted starting at least one (1) full calendar year after the Property reaches Build Out as defined in subparagraph N.2. show that vehicle trips generated by the residential units are less than or equal to the TDM Goal. If the results of two (2) consecutive Trip Counts reveal that the TDM Goal has been met, then the Applicant Control Period shall expire as provided in this Proffer, the Letter of Credit (as defined in Paragraph L) (or cash, as applicable) shall be returned to the



Applicant, and the Applicant shall have no further responsibility under this Proffer. Thereafter, the COA or successor developer/management company shall be responsible for the ongoing implementation of the TDM Plan pursuant to Paragraph I and shall conduct additional Trip Counts as set forth in this Proffer. Notwithstanding the provisions of this paragraph, FCDOT may request Trip Counts be undertaken at any time to validate traffic data, but not more frequently than once per calendar year. If such requests are made by FCDOT, the PM shall conduct the requested Trip Counts.

- iv. Evaluation. The results of each Trip Count shall be compared to the TDM Goal established in this Proffer to determine whether actual traffic counts are equal to, less than or greater than the maximum allowed trips for the TDM Goal as calculated in accordance with subparagraph A.2.

In the event the trips generated by the residential units at the time of the build-out count reveal that the TDM Goal outlined subparagraph A.2. has not been met for two consecutive years, then the Applicant shall (a) pay into the TDM Remedy Fund at a rate of \$25/unit if failure is less than 5% and \$50/unit if failure is greater than 5%; (b) develop modifications to the TDM Plan and TDM Budget; and/or (c) implement one or more of the supplemental strategies outlined in the TDM Strategic Plan to address the surplus of trips. The PM shall submit any such revision to the TDM Plan and TDM Budget to FCDOT as part of the Annual Report as outlined in subparagraph G.2., and request in writing the County's review and concurrence. If no written response is provided by FCDOT within forty-five (45) days of receipt of the Annual Report, the PM's revisions to the TDM Plan and updated TDM Budget shall be deemed approved. Following approval of the revised TDM Plan and updated TDM Budget or after the forty-five (45) day period outlined above, the PM shall (a) increase the TDM Account with TDM Remedy Funds at the Applicant's sole discretion, if necessary, in order to cover any proportional additional costs to implement the updated TDM Budget; and (b) implement the provisions of the revised TDM Plan.

If two (2) consecutive annual Trip Counts conducted in accordance with this Proffer reveal that the TDM Goal is met after Build Out of the Property, as defined in subparagraph A.2., then (i) no penalty is owed, (ii) the PM shall continue to administer the TDM Plan in the ordinary course, in accordance with the provisions of these Proffers, and (iii) the Applicant Control Period Expires, after which paragraph K below shall apply.

- I. Ongoing Implementation of TDM Plan. Once the Applicant Control Period



has expired, the Letter of Credit/Cash (as defined in this Proffer) (as then-valued) shall be returned to the Applicant, and thereafter the COA or successor development/management company shall be responsible for ongoing implementation of the TDM Plan. The PM shall conduct additional Surveys and Trip Counts at five (5) year intervals to determine whether the TDM Goal, as established by this Proffer, continues to be met. In the event that an Annual Report submitted by the PM demonstrates through trend analysis that a change in commuting patterns has occurred that is significant enough to reasonably call in to question whether the TDM Goal continues to be met, as determined by FCDOT, then FCDOT may request the PM conduct additional Trip Counts on a more frequent basis (but not more frequently than once per year) to determine whether, in fact, the TDM Goal is being met.

- i. Continuation of TDM Plan. In the event subsequent Trip Counts conducted after the Applicant Control Period expires reveal that the actual trips generated remain equal to or less than the maximum number of trips permitted under TDM Goal, then the PM shall continue to implement the TDM Plan and to make Annual Reports to FCDOT.
- ii. Further Revisions to TDM Plan. In the event subsequent Trip Counts conducted after the Applicant Control Period expires reveal that the actual number of trips generated by the residential units are greater than the maximum number of trips permitted under the TDM Goal, as established by this Proffer, then the PM shall convene a meeting with FCDOT within thirty (30) days of the completion of the Trip Count to review the results of the Trip Count and the TDM Plan then in place and to develop modifications to the TDM Plan and the TDM Budget to address the surplus of trips. The PM shall submit any revisions to the TDM Plan and TDM Budget to FCDOT within thirty (30) days following this meeting and request in writing the County's review and concurrence. If no written response is provided by FCDOT within forty-five (45) days, the PM's revisions to the TDM Plan and updated TDM' Budget shall be deemed approved. Following approval of the revised TDM Plan and updated TDM Budget, the PM shall (a) increase the TDM Account with TDM Remedy Funds, if necessary, in order to cover any proportional additional costs to implement the updated TDM Budget; and (b) implement the provisions of the revised TDM Plan as developed in consultation with FCDOT. The PM shall repeat the process above (including additional adjustments to the TDM Plan, additional funding and additional monitoring) until the TDM Goal again has been met for two (2) consecutive years, whereupon the PM shall then be required to conduct Trip Counts only at five (5) year intervals, as described above.



- J. Enforcement. If the PM fails to timely submit the Annual Report for the Property to FCDOT as required by this Proffer, the County may thereafter issue the PM a notice stating that the PM has violated the terms of this Proffer and providing the PM sixty (60) days within which to cure such violation. If after such sixty (60) day period the PM has not submitted the delinquent Annual Report, then the Applicant and/or COA/successor, as applicable, shall be subject to a penalty of \$50 per day payable to Fairfax County to be used for transit or transportation related improvements in the vicinity of the Property until such time as the report is submitted to FCDOT.
- K. TDM Obligations. All residents and owners of property within the Property shall be advised of the TDM Plan described in these Proffers. All COA members shall be informed of any funding obligations resulting from the application of these Proffers prior to entering into a lease/contract of sale, and all such obligations shall be included in COA documents.
- L. Definitions.
- i. Applicant Control Period. The "Applicant Control Period" is the period starting immediately following approval of this Rezoning Application and ending on the date when two (2) consecutive annual Trip Counts conducted starting at least one (1) full calendar year after the proposed development reaches Build Out show that peak hour vehicle trips generated by the residential units are less than or equal to the TDM Goal (as defined herein); provided, however, that implementation of the TDM Plan may be assigned by the Applicant to a successor owner, but may not be assigned to a successor Condominium Owners Association (COA) until the Applicant Control Period has expired. Upon expiration of the Applicant Control Period, the Applicant shall have no further obligations under this Proffer, the Letter of Credit/Cash (as defined in this Proffer) provided by the Applicant shall be returned to the Applicant, and on-going implementation of the TDM Plan and funding of the TDM Budget (and 10% contingency) shall be the responsibility of the successor as outlined in Paragraph I.
  - ii. Build Out. For purposes of this Proffer, "Build Out" of the proposed development shall be deemed to occur upon the issuance of 100% of all Residential Use Permits ("RUPs") for all residential uses site plan approved and constructed on the Property.
  - iii. Peak Hours. For purposes of this Proffer, the relevant weekday "Peak Hours" shall be that 60-minute period during which the highest weekday volume of mainline trips occurs between 6:00 to 9:00 AM and 4:00 to 7:00 PM, as determined by mechanical and/or manual traffic counts conducted at the site entrance on Poag Street, as



approved in consultation with FCDOT. To determine the Peak Hour, such counts shall be collected beginning on a Monday at 2400 hours and continuing to the following Thursday at 2400 hours at a time of year that reflects typical travel demand conditions (e.g. September to May, not during a holiday week or when area public schools are not in session). The relevant Peak Hours shall be defined in conjunction with each of the Trip Counts (as defined herein) required pursuant to this Proffer. The methodology for determining the Peak Hours may be modified subject to approval of FCDOT, but without requiring a PCA, in order to respond to technological and/or other improvements in trip counting.

- iv. TDM Program Manager. The TDM "Program Manager" shall be a qualified or trained on-site individual appointed by the Applicant to oversee all elements of the TDM Plan and act as the liaison between the Applicant/successor and FCDOT. The PM may be employed either directly by the Applicant/successor, or be employed through a property management company contracted by the Applicant/successor. The PM position may be part of other duties assigned to the individual, with TDM functions accounting for a minimum of approximately 20 percent of his/her duties.
- v. TDM Account. The "TDM Account" shall be an interest bearing account established by the Applicant with a banking or other financial institution qualified to do business in Virginia and used by the PM each year to implement the TDM Plan in accordance with the TDM Budget.
- vi. TDM Budget. The "TDM Budget" is the estimated costs sufficient to implement the TDM Plan in a given year and shall include a contingency (the "TDM Budget Contingency") equivalent to a minimum of 10% of the amount of the TDM Budget. The TDM Budget as required by FCDOT may be less than, but shall be no more than \$26,860 (including the 10% TDM Budget Contingency) per full calendar year as adjusted for any increases in the CPI-U per Proffer 38. However, the Applicant may, at its sole discretion, increase the TDM Budget (including the TDM Budget Contingency) for any calendar year.
- vii. TDM Remedy Fund. The TDM Remedy Fund shall be an interest bearing account established by the Applicant with a banking or other financial institution qualified to do business in Virginia and used to supplement the TDM Account in support of additional TDM strategies that may be determined to be necessary following any of the Trip Counts for which sufficient funding is not immediately available via the then-existing TDM Account.



## **SITE DESIGN AND AMENITIES**

20. Landscape Plan. The CDP/FDP includes a conceptual landscape plan for the Property and detail sheets illustrating the plantings and other features to be provided. As part of each site plan submission, the Applicant shall submit to Urban Forest Management Division (UFMD) of DPWES for review and approval a detailed landscape plan (the "Landscape Plan"), which shall be consistent with the quality and quantity of plantings and materials shown on the CDP/FDP. Adjustments to the type and location of vegetation and the design of landscaped areas and streetscape improvements/plantings shall be permitted in consultation with DPZ, and as approved by UFMD.
21. Streetscaping. Streetscape improvements and plantings shall be provided as indicated on the CDP/FDP. Notwithstanding the foregoing, the Applicant reserves the right, in consultation with the Zoning Administrator, to alter, reduce, or eliminate the amount of on-street parking and/or shift the location of street trees along the proposed streetscapes to accommodate final architectural design, utilities and layout considerations, and sight distance requirements so long as such modifications are in substantial conformance with the CDP/FDP.
22. Pedestrian/Bicycle Circulation. In combination with the streetscape improvements identified in these Proffers, the Applicant shall provide sidewalks of varying widths and crosswalks at site entrances, as indicated on the CDP/FDP.
23. Amenities and Facilities for Residents. Pursuant to Paragraph 2 of Section 6- 409 of the Zoning Ordinance, the Applicant shall provide on-site recreational facilities for the future residents of the Property, including the following:
  - A. A private exterior recreational area to be located behind the building as illustrated on Sheet 11 of the CDP/FDP, with a lawn area, pavilion with outdoor kitchen and fireplace, seating area, benches, walking path, garden enclosure, specialty landscaping, passive recreational areas;
  - B. A Second private courtyard as illustrated on Sheet 11 of the CDP/FDP with a swimming pool, seating area, 6 foot pool fence, pergola shade structure, specialty landscaping, lounge chairs, garden enclosure, hardscape areas and passive recreational areas;
  - C. Party Room with kitchen and bar with the potential integration of a theater for community gatherings;
  - D. Fitness Center with ability to accommodate weight lifting machines;
  - E. Stretching Yoga Room that is located off of the fitness center;



- F. "Hang-Out Lounge" with internet access for residents and guests;
- G. Conference Room;
- H. Bicycle parking/storage facilities to accommodate 40 bicycles as detailed in Proffer 7;

In the event it is demonstrated that the creditable facilities, pursuant to Article 6 of the Zoning Ordinance, do not have sufficient value, at the time of the issuance of the first Residential Use Permit, the Applicant shall contribute funds in the amount needed to achieve the overall proffered amount of \$1,700.00 per non-ADU residential unit to the Fairfax County Park Authority for off-site recreational facilities intended to serve the future residents, as determined by the Supervisor for the Lee District.

- 24. Public Art. Prior to the issuance of the first RUP, the Applicant shall install public art at the corner of Poag Street and North Kings Highway in the area designated as amenity space. The initial selection of public art and final location shall be selected by the Applicant in coordination with the Lee District Supervisor.
- 25. Off-site recreation. The applicant shall contribute \$330,000 to the Fairfax County Park Authority, prior to the issuance of the first RUP on the Property, for use at off-site recreational facilities intended to serve the future residents, as determined by FCPA in consultation with the Supervisor for the Lee District. The contribution in this proffer is based on an anticipated 165 one-bedroom units and 80 two-bedroom units. The contribution in this proffer is based on an anticipated 165 one-bedroom units generating 1.25 residents per unit and 80 two-bedroom units generating 2.0 residents per unit. The contribution level shall be increased or decreased based on the final unit type mix reflected on the approved site plan.
- 26. Lighting. Outdoor lighting shall comply with the Outdoor Lighting Standards of Section 14-900 of the Zoning Ordinance. Building mounted security lighting shall utilize full cut-off fixtures with shielding such that the lamp surface is not directly visible. All perimeter upper level parking deck lighting fixtures shall not exceed the height of the parapet wall. Upper level interior lighting fixtures shall not exceed a height of 12 feet, shall be sited and shielded so as not to be visible from the ground plane to minimize glare to residential units, and shall utilize full cut-off fixtures.
- 27. Signage. Signage for the Property shall be provided in accordance with the requirements of Article 12 of the Zoning Ordinance or pursuant to a Comprehensive Sign Plan approved by the Planning Commission. Under the Comprehensive Sign Plan option, free standing or building mounted signage identifying the development may be permitted.



## **ARCHITECTURAL DESIGN**

28. Building Design and Materials. The general architectural design of the proposed building is shown on Sheets 20 and 21 of the CDP/FDP (the "Conceptual Elevations"). The Conceptual Elevations are conceptual in nature and may be modified by the Applicant as part of final engineering and building design, provided that such modifications provide a similar quality of design and are in general conformance with that shown. Building materials, as generally reflected on the Conceptual Elevations, shall be: brick, masonry, and hardiboard, provided that final architectural details and accents may include other materials. No EIFS shall be used. Bay windows, balconies, awnings, and other architectural details may be provided so long as such features do not extend more than eight (8) feet beyond the building footprints shown on the CDP/FDP, and provided that the streetscape features are maintained.

The architectural design of the northern facade of the garage structure shall be pre-cast concrete or cast-in-place and shall include solid spandrel panels that will provide screening for headlights. Brick inset panels to complement the brick on the building shall be utilized on the portions of the northern garage facade. The color of the brick inset panels shall be harmonious with the building materials utilized on the main structure.

29. LEED Certification. The applicant will include, as part of the site plan submission and building plan submission, a list of specific credits within the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—for Homes Multifamily Mid-Rise (LEED®-for Homes Multifamily Mid-Rise) or LEED-NC rating system, or other equivalent rating system determined to be applicable to the building(s) in consultation with the Environment and Development Review Branch of the Department of Planning and Zoning. A LEED-accredited professional (LEED-AP) who is also a professional engineer or licensed architect will provide certification statements at both the time of site plan review and the time of building plan review confirming that the items on the list will meet at least the minimum number of credits necessary to attain LEED certification of the project.

In addition, prior to site plan approval, the applicant will designate the Chief of the Environment and Development Review Branch of the Department of Planning and Zoning as a team member in the USGBC's LEED Online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for any LEED credits and will not be provided with the authority to modify any documentation or paperwork.

Prior to the building plan approval, the applicant will submit documentation, to the Environment and Development Review Branch of DPZ, regarding the U.S.



Green Building Council's preliminary review of design-oriented credits in the LEED program. This documentation will demonstrate that the building is anticipated to attain a sufficient number of design-related credits that, along with the anticipated construction-related credits, will be sufficient to attain LEED Silver certification. Prior to release of the bond for the project, the applicant shall provide documentation to the Environment and Development Review Branch of DPZ demonstrating the status of attainment of LEED certification or a higher level of certification from the U.S. Green Building Council for the building.

If the U.S. Green Building Council review of design-oriented credits indicates that the project is not anticipated to attain a sufficient number of design-related credits to support attainment of LEED Silver certification, the applicant will execute a separate agreement and post, a "green building escrow," in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual, in the amount of (\$2/square foot of gross floor area). This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of LEED certification or higher level of certification, by the U.S. Green Building Council, under the most current version of the LEED- for Homes Multifamily Mid-Rise rating system or other LEED rating system determined, by the U.S. Green Building Council. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that the building has attained LEED certification will be sufficient to satisfy this commitment.

If the applicant provides to the Environment and Development Review Branch of DPZ, within one year of issuance of the final RUP/non-RUP for the building, documentation demonstrating that LEED certification for the building has not been attained but that the building has been determined by the U.S. Green Building Council to fall within three points of attainment of LEED certification, 50% of the escrow will be released to the applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the applicant fails to provide, within one year of issuance of the final RUP/non-RUP for the building, documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification or demonstrating that the building has fallen short of LEED certification by more than three points, the entirety of the escrow for that building will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the Environment and Development Review Branch of DPZ, that USGBC completion of the review of the LEED certification application has been delayed through no fault of the Applicant, the Applicant's contractors or



subcontractors, the time frame may be extended as determined appropriate by the Zoning Administrator, and no release of escrowed funds shall be made to the Applicant or to the County during the extension.

30. Noise Attenuation. Exterior wall construction techniques shall be provided to ensure that a maximum interior noise level of approximately DNL 45 dBA shall be achieved for any dwelling unit that fronts on North Kings Highway and that a noise study shows will be exposed to noise levels in excess of DNL 65 dBA.
31. Tree Preservation. Prior to Site Plan approval, the Applicant, in consultation with the Urban Forestry Management Branch, shall develop and implement measures to reasonably protect off site trees and vegetation located at or near common property lines from grading and construction activity on the subject property. Such measures shall include, but not be limited to, root pruning, fertilization soil enhancements and similar measures recommended by UFM. The requirements of this proffer shall not require the Applicant to undertake or obtain permission for work beyond the boundaries of the Application property.

## **ENVIRONMENT**

### 32. Stormwater Management.

- A. The Applicant shall implement stormwater management techniques to control the quantity and quality of stormwater runoff from the Property, as determined by DPWES. Stormwater Management Facilities, including the use of an underground detention vault, if a waiver is approved, and bioretention planters, shall be provided as generally depicted and described on Sheet 15 of the CDP/FDP. Best Management Practices ("BMPs") will be provided onsite through structural storm water filters and bioretention planters. The Applicant reserves the right to include other Low Impact Design techniques such as the following: rain gardens, filtera systems, infiltration ditches, bay filters, storm tech chamber, drainage swales, and pervious pavers (including the PaveDrain® system). Subject to verified soil conditions being suitable for infiltration, opportunities for such infiltration based LID methods shall be reasonably maximized provided they shall be in substantial conformance with the CDP/FDP. The Applicant reserves the right to pursue additional stormwater management measures provided the same are in substantial conformance with the CDP/FDP including a waiver to allow the proposed underground detention facilities.
- B. The Stormwater Management Facilities shall be designed to release stormwater runoff from the site at a rate to be limited to 60% of the allowable release (a 40% reduction of the allowable release rate) as generally shown on sheet 15 of the CDP/FDP. The final design of the SWM facilities may change the computed allowable release rate as shown on the CDP/FDP due to changes in offsite controlled and onsite uncontrolled runoff.



- C. BMPs for the site shall be provided in excess of County minimum requirements for phosphorus removal. This shall be accomplished by utilizing bioretention planters having a 65% removal efficiency (being designed to treat the first 1 inch of runoff) and the stormwater filter having a 50% phosphorus removal efficiency. Final design calculations demonstrating adequate surface area, drawdown time, and 2 and 10 year routings shall be provided for the bioretention planters to show general, applicable compliance with the appropriate sections of the Public Facilities Manual during final site plan review and approval.
- D. Should the U.S. Environmental Protection Agency, or its designee, issue new stormwater management regulations affecting the Property, the Applicant shall have the right to accommodate necessary changes to its stormwater facility designs without the requirement to amend the CDP/FDP or these proffers or gain approval of an administrative modifications to the CDP/FDP or proffers, provided the facility designs substantially conform with the CDP/FDP.

#### **AFFORDABLE HOUSING**

- 33. Affordable Dwelling Units ("ADUs"). The Applicant shall provide ADUs on the Property equal to 6.25% of all dwelling units to be constructed on the Property. The ADUs shall be administered in accordance with Part 8 of Article 2 of the Zoning Ordinance (the "ADU Ordinance"). The ADU's shall be provided and administered as either for-sale or rental units consistent with market rate units in the same building in accordance with the requirements of the ADU Ordinance.
- 34. Workforce Dwelling Units ("WDUs"). In addition to the number of ADUs provided, the Applicant shall provide housing units on the Property that will be leased and/or sold to future residents who have a household income that is no more than 100% of the Area Median Income ("AMI") for the currently defined Washington, D.C. Metropolitan Statistical Area as determined by the U.S. Department of Housing and Urban Development if leased and no more than 120% of the AMI if for sale. If leased, the WDUs shall be equally distributed among two income tiers, with 50% for future residents who have a household income that is no more than 80% of the AMI and 50% for future residents who have a household income that is no more than 100% of the AMI. If for sale, the WDUs shall be equally distributed among three income tiers, with 1/3 for future residents who have a household income that is no more than 80% of the AMI, 1/3 for future residents who have a household income that is no more than 100% of the AMI, and 1/3 for future residents who have a household income that is no more than 120% of the AMI. The number of WDUs to be provided on the Property shall be equal to 5.75% of all non-ADU and ADU bonus dwelling units to be constructed on the Property. The WDUs shall be administered as set forth in the Board of Supervisors Workforce Dwelling Unit Administrative Guidelines



adopted October 15, 2007.

### **PUBLIC/COMMUNITY FACILITIES**

35. Adjacent School Street Shopping Center Contribution (Parcel 0833-04-0035, 6128-6138 N. Kings Highway). The Applicant shall provide a contribution of \$250,000.00 (for purposes of this Proffer the "Contribution") to be used for improvements to the School Street Shopping Center. Such improvements shall be designed to help ensure that there is a functional and aesthetic coordination between the two parcels and shall include:

- (1) Additional parking;
- (2) Patio/plaza;
- (3) Building and signage improvements;
- (4) Landscaping and streetscaping; and
- (5) Stormwater management to direct flow from the new parking area to the facilities provided in Proffer 32 (collectively the "School Street Shopping Center Improvements").

Prior to site plan approval for the Property, the Contribution shall be deposited with Fairfax County to be held in escrow. Permits required to construct the School Street Shopping Center Improvements shall be filed with Fairfax County in a time frame that ensures concurrent completion with development on the Property. Such permits shall specify changes to the School Street Shopping Center that substantially conform with the School Street Shopping Center Improvements as further described in this Proffer and shown on Exhibit A, as reasonably determined by the Zoning Administrator or his/her designee. For the purpose of this proffer, any building façade improvements shall not require identical façade treatments and shall further recognize the need for retail branding and the incorporation of corporate identifiers by retail tenants. Similarly, recognizing site constraints associated with the School Street Shopping Center, there may be reasonable variation in the type and placement of landscaping and configuration of pedestrian connections. Upon approval of permits, the County shall release the Contribution to the Shopping Center Owner, or the Applicant on behalf of Shopping Center Owner (as directed by the Applicant), for use in accordance with the approved plans. The Shopping Center Owner or the Applicant, as applicable, shall construct the School Street Shopping Center Improvements concurrent with development of the Property and such improvements shall be substantially completed prior to issuance of the first RUP for the Property.

Upon demonstration by the Applicant that, despite diligent efforts, provision of the School Street Shopping Center Improvements has been unreasonably delayed



by others, or by circumstances beyond the control of the Applicant, the Zoning Administrator may agree to a later date for the completion of each such improvement. If despite diligent good faith efforts, the Applicant is unable to secure necessary approvals, the Applicant shall provide written documentation of such efforts to the Zoning Administrator and shall be relieved of the obligation to construct the School Street Shopping Center Improvements. In such circumstances, the Contribution, or any part of it not released and utilized for construction of the School Street Shopping Center Improvements shall remain in escrow for use on future pedestrian improvements and façade improvements in the vicinity of the Property by others, as determined by the County in consultation with the Lee District Supervisor.

36. Public School Contribution. The Applicant shall contribute \$187,560 to the Board of Supervisors for transfer to FCPS for capital improvements at those schools within the "pyramid" serving the Application Property. Such contributions shall be made prior to site plan approval for the Property and shall further be adjusted on a pro rata basis if the number of units actually built is less than the maximum allowed under this rezoning. The Applicant shall notify FCPS when it commences construction.

Following approval of this application and prior to the Applicant's payment of the amount set forth in this Proffer, if Fairfax County should increase the ratio of students per high-rise multifamily unit or the amount of the recommended contribution per student, the Applicant shall increase the amount of the contribution for the development to reflect the then-current ratio and/or contribution. If the County should decrease the ratio or contribution amount, the Applicant shall provide the greater of the two amounts.

### **MISCELLANEOUS**

37. Owners Association. Should the residential units be offered for individual sale, the Applicant shall cause the recordation of a declaration creating a condominium owners' association (referred to as the "COA"). The COA documents (including budgets provided in any offering or sale materials) shall disclose the various proffer and maintenance obligations set forth in these Proffers. Purchasers shall be advised in writing of these obligations, and other restrictions, prior to entering into a lease/contract of sale for units. If residential units are offered for individual sale, all ADUs and WDUs shall be administered in accordance with the ADU Ordinance and the Board of Supervisors Workforce Dwelling Unit Administrative Guidelines adopted October 15, 2007.
38. Escalation in Contribution Amounts. All proffers specifying contribution amounts or budgets for operational expenses, including but not limited to, Proffer 19 (Transportation Demand Management), the contribution and/or budget amount shall escalate on a yearly basis from the base year of 2012 and



change effective each January 1 thereafter, based on changes in the Consumer Price Index for all urban consumers (not seasonally adjusted) ("CPI-U"), both as permitted by Virginia State Code Section 15.2-2303.3.

39. Advance Density Credit. Advanced density credit is reserved consistent with the provisions of the Fairfax County Zoning Ordinance for all eligible dedications described herein or as may be required by Fairfax County or VDOT.
40. School Street Access. The Applicant shall not provide direct access from the Property to School Street.
41. Shaffer Drive Access. The Applicant shall not construct vehicular access between Shaffer Drive and Poag Street.
42. Public Access Easement. At the time of subdivision, the Applicant shall grant a public access easement over the public areas labeled on Sheet 11 of the CDP/FDP as "Dog Walk Area Detail Plan". The Applicant reserves the right as part of the public access easement to reasonably control access to, and use of, the public easement area.
43. Severability. Pursuant to Section 18-204 of the Zoning Ordinance, any portion of the Property may be the subject of a proffered condition amendment ("PCA"), Special Exception ("SE"), Special Permit ("SP"), or Final Development Plan Amendment ("FDPA") without joinder and/or consent of the owners of the other portions of the Property, provided that such PCA, SE, SP or FDPA does not materially adversely affect the other phases. Previously approved zoning applications applicable to the balance of the Property that is not the subject of such a PCA, SE, SP or FDPA shall otherwise remain in full force and effect.
44. Successors and Assigns. These Proffers will bind and inure to the benefit of the Applicant and their successors and assigns. Each reference to "Applicant" in this proffer statement shall include within its meaning and shall be binding upon Applicant's successor(s) in interest and/or developer(s) of the site or any portion of the site.
45. Counterparts. These Proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

TITLE OWNER OF TAX MAP #s 83-3-  
((11))-2, 3, 4, 5, & 6 and 83-3-((04))-A



George W. Spicer

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Agnes G. Spicer

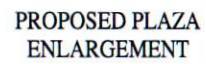


APPLICANT/CONTRACT PURCHASER  
Insight Property Group, LLC

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

37478294.15





SHEET 1 OF 1  FILE# No. MISC-12593	EXHIBIT A  <b>SPICER PROPERTIES</b>  MOUNT VERNON DISTRICT FAIRFAX COUNTY, VIRGINIA  CL = 2	SCALE: AS NOTED  DATE: NOV., 2010		PLAN DATE	
				REV	
				REVISIONS	



**PROPOSED FINAL DEVELOPMENT PLAN AMENDMENT CONDITIONS**

**FDP 2011-LE-016**

**May 31, 2012**

If it is the intent of the Planning Commission to approve FDP 2011-LE-016 for residential development at Tax Maps 83-3 ((4)) A, 83-3 ((11)) 2, 3, 4, 5 and 6, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development plan conditions.

1. Development of the property shall be in substantial conformance with the CDP/FDP titled: "City View" was submitted by Urban LTD. consisting of 24 sheets dated March 2011 as revised through May 22, 2012.
2. Prior to the issuance of the first residential use permit (RUP) the loading space and emergency access shall be screened with a rolling screen or gate that is painted to match the color tone of the building.

The proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.





# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** March 15, 2012

**TO:** Bill Mayland, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Beth Forbes, Stormwater Engineer *BF*  
Site Development & Inspections Division  
Department of Public Works and Environmental Services

**SUBJECT:** Rezoning/Final Development Plan Application #RZ/FDP 2011-LE-016,  
Insight – City View, CDP/FDP dated June 7, 2011, Tax Map #83-3-04-A  
and 83-3-11-0002 through -0006, Lee District

**REFERENCE:** Waiver #5490-WPFM-002-1 for the Location of Underground Facilities in a  
Residential Area

We have reviewed the referenced submission for consistency with Section 6-0303.8 of the Public Facilities Manual (PFM) which restricts the use of underground stormwater management facilities located in residential developments (Attachment B). The Board of Supervisors (Board) may grant a waiver after taking into consideration possible impacts on public safety, the environment, and the burden placed on prospective property owners for maintenance. Underground stormwater management facilities located in residential developments allowed by the Board:

- shall be privately maintained,
- shall be disclosed as part of the chain of title to all future owners responsible for maintenance of the facilities,
- shall not be located in a county storm drainage easement, and
- shall have a private maintenance agreement, in a form acceptable to the Director of the Department of Public Works and Environmental Services (DPWES), executed before the construction plan is approved.

The developer of the City View project has submitted a conceptual/final development plan to allow the redevelopment of the site. The site's current uses are a vacant 2-story office building and 3 single-family dwellings; one lot and one parcel are currently vacant. The developer proposes to redevelop the property into 245 multi-family units.

The site was originally developed before the county's current detention requirements were promulgated; no detention facilities exist on the property. The stormwater detention has been proposed to be provided by an underground vault.





### ANALYSIS

An analysis of the possible impacts on public safety, the environment, and the burden placed on the owners for maintenance and replacement follows.

Impacts on Public Safety – The underground facility is proposed to be located adjacent in an open space area about 10 feet from the proposed building. The facility would extend to a point about 10 feet from the property boundary with an existing single-family dwelling. A walkway would be located above the facility. The access points to the facilities will be visible from Poag Street. Unofficial access to the facilities could be noticed.

If it is the intent of the Board to approve the waiver request, staff recommends that the owner provide liability insurance in an amount acceptable to Fairfax County as a waiver condition. A typical liability insurance amount is \$1,000,000 against claims associated with underground facilities. The private maintenance agreement shall also hold Fairfax County harmless from any liability associated with the facility. In addition, locking manholes and doors must be provided at each access point.

Impacts on the Environment – The proposed location for the facility is currently disturbed. The facility would drain to an existing storm drainage system in Poag Street. Staff does not believe that there will be any adverse impact on the environment from the construction of the underground facility. Transitional screening is proposed immediately adjacent to the facility. Category II evergreen trees and shrubs are shown adjacent to the facility on the CDP/FDP overall landscape plan; shrubs are shown on the CDP/FDP as planted above the facility. There is a concern that the trees will not be able to mature with the facility blocking the growth of their roots.

If it is the intent of the Board to approve the waiver request, staff recommends that inspection of the transitional screening be a part of the maintenance inspection.

### Burden Placed on Property Owner for Maintenance and Future Replacement

Maintenance: The engineer provided \$5,000 as an estimate of the annual inspection and maintenance cost for the facility; staff finds the estimate reasonable. An estimate of the annual maintenance cost per unit would be about \$20. Before site plan approval, sufficient funds should be placed into escrow to fund 20 years of maintenance.

A minimum height of 72 inches for underground stormwater structures is generally required to facilitate maintenance (PFM 6-1306.3H). Sufficient head room is necessary for maintenance purposes. The proposed facility will be 72 inches in height and will meet the PFM's requirement.

The site's transitional screening is very close to the facility. There is a possibility that the root systems of the Category II evergreen trees may damage the facility prematurely. A maintenance agreement for the facility should include provisions for both the replacement of dead and dying transitional screening and the repair of the vault caused by the root systems of the trees and shrubs.

If it is the intent of the Board to approve the waiver request, staff recommends the property owner be required to execute a maintenance agreement prior to subdivision construction plan approval. Staff further recommends the property owner be required to establish a financial plan for the operation, inspection, and maintenance of the underground facilities. The property owner should be required to establish a fund for the annual maintenance. Staff recommends that the property owner provide an initial deposit in an escrow account in an amount equal to the estimated costs for the first 20 years of maintenance of the facilities before construction plan approval.



Bill Mayland, Staff Coordinator  
Waiver #5490-WPFM-002-1, Insight – City View  
March 15, 2012  
Page 3 of 3

Future Replacement: The engineer has estimated the construction cost of the facility to be about \$164,000; staff finds the estimate low, but within the reasonable range. The replacement costs will be similar to the construction costs. Based on this cost and a 50-year lifespan of concrete, staff estimates that the annual cost per unit to fund the facility's replacement would be about \$13.

The proximity of the transitional screening will complicate replacement of the underground facility when it becomes necessary.

If it is the intent of the Board to approve the waiver request, the property owner should be required, as a waiver condition, to address future replacement of the underground facility as part of its private maintenance agreement with the County. In order to maximize the useful life of the underground facilities, the property owner must be required to construct an underground vault with reinforced concrete products only. A replacement cost fund, based on an estimated 50-year lifespan for concrete products, should be established. The replacement reserve fund must be separate from the annual maintenance fund to ensure the monies are available at the time replacement is necessary and have not been previously spent on maintenance activities.

#### RECOMMENDATION

DPWES recommends that the Board approve the waiver to locate an underground detention facility at City View, a residential development. If it is the intent of the Board to approve the waiver, DPWES recommends the approval be subject to Waiver #5490-WPFM-002-1 Conditions, Insight -- City View dated March 15, 2012, as contained in Attachment A.

If you have any questions, or need further assistance, please contact me at 703-324-1720.

#### ATTACHED DOCUMENTS

Attachment A – Waiver #5490-WPFM-002-1 Conditions, Insight -- City View Project, dated March 15, 2012

Attachment B – PFM Section 6-0303.8

BF/

cc: Robert A. Stalzer, Deputy County Executive  
James Patteson, Director, DPWES  
Michelle Brickner, Deputy Director for Land Development Services, DPWES  
Steve Aitcheson, Director, Maintenance and Stormwater Management Division, DPWES  
Bijan Sistani, Branch Chief South, SDID, DPWES  
Zoning Application File (5490-ZONA-001)  
Waiver File



Waiver #5490-WPFM-002-1 Conditions

Insight – City View Project  
Rezoning/Final Development Plan #RZ/FDP 2011-LE-016  
March 15, 2012

1. The underground facility shall be constructed in accordance with the development plan and these conditions as determined by the Director of the Department of Public Works and Environmental Services (DPWES).
2. To provide greater accessibility for maintenance purposes, the underground facility shall have a minimum height of 72 inches.
3. The underground facility shall be constructed of reinforced concrete products only.
4. The underground facility shall incorporate appropriate safety features, such as locking manholes and doors, as determined by DPWES at the time of construction plan submission.
5. The underground facility shall be privately maintained and shall not be located in a county storm drain easement.
6. A private maintenance agreement, as reviewed and approved by the Fairfax County Attorney's Office, shall be executed and recorded in the land records of the county prior to final site plan approval. The maintenance agreement shall run with the land, its successors and assigns. The private maintenance agreement shall include:
  - a condition that the property owner and its successors or assigns shall not petition the county to assume the maintenance, or the replacement, of the underground facility;
  - a reference to the establishment of the reserve funds for the maintenance and replacement of the underground facility;
  - a reference to the operation, inspection, and maintenance procedures detailed in the site plan;
  - a condition that the property owner provide and continuously maintain liability insurance; a typical liability insurance amount is at least \$1,000,000 against claims associated with underground facility; and
  - a statement that Fairfax County shall be held harmless from any liability associated with the facility.
7. Operation, inspection, and maintenance procedures associated with the underground facility shall be included in the site plan to ensure the safe operation, inspection, and maintenance of the facility. The procedures shall include:
  - establishment of procedures to facilitate inspection by the county including, but not limited, to
    - an advance notice procedure,
    - a requirement for inspection of transitional screening,
    - a requirement for contact information,
    - the procedure for obtaining the access keys,



- the procedure to ensure the access points to the facility are not blocked;  
and
  - establishment of operation and maintenance procedures to
    - ensure the facility will continue to continue to control the stormwater generated from the site,
    - continue to minimize the possibility of clogging events, and
    - replace dead and dying transitional screening.
8. A financial plan for the property owner to finance regular maintenance and full life-cycle replacement costs shall be established prior to site plan approval. The financial plan shall include:
- a separate line item in the annual budget for operation, inspection, and maintenance shall be established;
  - a reserve fund for future replacement of the underground facility shall be established to receive annual deposits based on the initial construction costs and an estimated 50-year lifespan for concrete products; and
  - prior to final construction plan approval, the property owner shall escrow sufficient funds which will cover a 20-year maintenance cycle of the underground facility; these monies shall not be made available to the owner until after final bond release.



Fairfax County Government  
Public Facilities Manual  
Chapter 6 – Storm Drainage

§6-0303.8 (24-88-PFM, 83-04-PFM) Underground detention facilities may not be used in residential developments, including rental townhouses, condominiums and apartments, unless specifically waived by the Board of Supervisors (Board) in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment. In addition, after receiving input from the Director regarding a request by the property owner(s) to use underground detention in a residential development, the Board may grant a waiver if an application for rezoning, proffered condition amendment, special exception, and special exception amendment was approved prior to, June 8, 2004, and if an underground detention facility was a feature shown on an approved proffered development plan or on an approved special exception plat. Any decision by the Board to grant a waiver shall take into consideration possible impacts on public safety, the environment, and the burden placed on prospective owners for maintenance of the facilities. Any property owner(s) seeking a waiver shall provide for adequate funding for maintenance of the facilities where deemed appropriate by the Board. Underground detention facilities approved for use in residential developments by the Board shall be privately maintained, shall be disclosed as part of the chain of title to all future homeowners (e.g. individual members of a homeowners or condominium association) responsible for maintenance of the facilities, shall not be located in a County storm drainage easement, and a private maintenance agreement in a form acceptable to the Director must be executed before the construction plan is approved. Underground detention facilities may be used in commercial and industrial developments where private maintenance agreements are executed and the facilities are not located in a County storm drainage easement.



**INSIGHT PROPERTY GROUP, LLC****STATEMENT OF JUSTIFICATION  
FOR A REZONING AND PROFFERED CONDITION AMENDMENT****Tax Map Parcels 83-3-((11))-2,3,4,5 & 6, 83-3-((04))-A (the "Property")****May 11, 2012****Introduction**

This application proposes an upscale residential project in the Richmond Highway Corridor on property that is currently vacant and/or underutilized. The application seeks a rezoning from R-4, C-5, HC, & CRD to PRM, HC, & CRD to permit the construction of up to 280 high quality multi-family dwelling units. The Property is located on the west side of North Kings Highway between Poag and School Streets and contains an assemblage of six (6) parcels containing 3.38 acres. A vacant office building and several single-family homes are currently located on the Property. The office building (Tax Map # 83-3-((11))-2) is subject to a proffered rezoning approved in 1984 (RZ 84-L-041). The Property is bounded on the North, East, and South by retail and on the West by single-family residential. Further, the site is located within easy walking distance of the Huntington Metro station.

On May 11, 2010, the Board of Supervisors authorized the Penn Daw Special Study, Plan Amendment (PA) ST10-IV-MV1, and a task force (the "Task Force") was appointed to carry out the Board of Supervisors directive. The applicant has been working collaboratively with the Task Force throughout the special study process. The Board of Supervisors approved the revised Comprehensive Plan amendment on April 10, 2012. The proposed development is fully in compliance with the Comprehensive Plan recommendation and is the first step toward implementing the vision for revitalizing the Richmond Highway Corridor.

**Proposal**

The proposed development replaces the vacant office building and single-family homes with up to 245 units of high quality multi-family housing. The proposed building will be oriented toward North Kings Highway to create a pedestrian friendly urban streetscape. The building will have a maximum height of 50' or 4 stories at North Kings Highway, but will taper down in height as it approaches the Western property line to ensure compatibility with the adjacent neighborhood.

Parking for the site will be provided in an internal above-ground parking garage to serve the project's residents and prevent parking in the adjacent neighborhood. On-street parallel parking will also be provided on the North side of Poag Street. Access to the parking will be provided via Poag Street, while the existing access to the site on North Kings Highway will be removed.

The proposal also contains a significant amount of usable open space amenities. A dog walking area is proposed on the western side of the Property, and includes pedestrian paths and



benches that are accessible to the neighborhood. The pedestrian paths from the dog walking area connect with an open courtyard that serves as a gathering place for residents. The courtyard includes a pavilion with an outdoor kitchen and fireplace, along with a landscaped walking path leading to seating areas with benches circumventing an open green space. The project also includes a second enclosed courtyard containing a swimming pool and additional landscaped pedestrian walking paths and sitting areas that are separated from the swimming pool area.

### **Compliance with Comprehensive Plan**

As noted, this application has been crafted to comply with the approved Comprehensive Plan amendment. Additionally, the Property is located within the Richmond Highway Corridor and the Penn Daw Community Business Center, which both encourage the type of revitalization and reinvestment proposed in this project.

### **Compliance with Residential Development Criteria**

For the reasons stated below, the subject rezoning fully complies with the applicable Residential Development Criteria contained in Appendix 9 of the Land Use Element of the Policy Plan. Specific compliance with the Criteria is as follows:

#### **I. Site Design.**

As shown on the CDP/FDP, high quality, highly amenitized site design is proposed to maximize the emerging vision of the Task Force plan amendment. Features of the development include an efficient layout and a unit type that will enhance the fabric of the community.

(A) **Consolidation.** The proposal includes logical and substantial parcel consolidation that furthers the integration of the development with adjacent parcels in conformance with the Comprehensive Plan. Six smaller parcels will be consolidated into one under this proposal, which will permit flexibility in design and prevent piecemeal development in the Richmond Highway Corridor. Further, the proposed consolidation does not preclude nearby properties from developing as recommended by the Task Force's proposal. Additionally, the proposal provides for coordinated development with the adjacent shopping center.

(B) **Layout.** The proposed layout provides a logical and uniform approach and is consistent with the character of the community. Consistent with the Task Force proposal, the building is designed to provide the greatest height and density on North Kings Highway, with the building height tapering back toward the adjacent neighborhood. This layout has the benefit of activating the pedestrian realm on North Kings Highway while respecting the neighbors along Poag Street.

(C) **Open Space.** The proposal includes 34% open space, which is well above the required 20% in the Zoning Ordinance. Further, the open space is usable, accessible, and well integrated into the project. Specifically, the open space is programmed to include a dog walking area, a courtyard including a pavilion with an outdoor kitchen and fireplace plus sitting areas, and an outdoor pool with additional outdoor seating areas. Subject to VDOT approval, the island created where North Kings Highway splits at School Street will be turned into a usable landscaped open space that will provide improved pedestrian connectivity.



(D) Landscaping. A significant amount of landscaping is included in the project. Along the shared property line with the residential properties on Poag and School Streets, landscaping, including a 6ft. wood fence, are included to provide screening. Additionally, the open space described above is landscaped to create an aesthetically pleasing and inviting space. Finally, the streetscapes along North Kings Highway and Poag Street are designed to meet the streetscape standards in the Comprehensive Plan and include street trees and other landscaping. The North Kings Highway frontage also includes a variable width planting area that ranges from 8' to 17'. Additionally, the traffic island across North Kings Highway from the site will be landscaped to create a usable open space.

(E) Amenities. As described above, the site contains a number of amenities that satisfy the expectations in the Comprehensive Plan. The dog walking area and two courtyards provide significant recreational opportunities for residents. Additionally, benches in a landscaped sitting area and bike racks are included along the North Kings Highway streetscape to encourage an active street and the use of alternative modes of transportation.

## II. Neighborhood Context.

The residential uses proposed for the Property fit into the existing and planned neighborhood context and the fabric of the community. The existing predominant context of the surrounding area is retail, with single-family residential to the west of the Property. However, the existing retail context is in flux and may be redeveloped into mixed-use residential. This project is sensitive to the adjacent residential uses and was designed to provide appropriate transitions and screening for those uses. Specifically, the building height transitions from its highest point along North Kings Highway and will taper back as it moves west along Poag Street. Further, the dog walking area, significant landscaping, and 6ft. wood fences provide buffering and screening for the adjacent homes.

While respecting the residential neighbors, the project still creates the urban design that is sorely missing in the Richmond Highway Corridor. The building is designed to front right on the sidewalk on both North Kings Highway and Poag Street. It is further designed to create an active streetscape and pedestrian realm that will help to revitalize and spur future investment in the area. In addition to creating a welcoming pedestrian space that will encourage residents to walk to the nearby Metro station, the project also encourages bike usage by providing conveniently placed bike racks.

## III. Environment.

To address the volume and velocity of stormwater runoff from the proposed development, the applicant will be utilizing an underground storm water management vault that discharges into an existing closed conduit system. Additionally, the proposal utilizes a privately maintained stormfilter that provides an overall phosphorus removal of 44%, which is greater than the required 40%.

## IV. Tree Preservation and Tree Cover Requirements.



As detailed on the CDP/FDP, the proposal will require a waiver for the required tree preservation. The majority of the existing trees are located in the center of the Property and preserving these trees would prevent development of the site. The trees on the perimeter of the Property, which are identified mainly as landscaped tree canopy, would not be able to survive the site construction.

V. Transportation.

The applicant is committed the encouraging residents to use alternative modes of transportation. This is greatly helped by the site's proximity to the Huntington Metro station. A traffic impact analysis is also included with this application because a 527 review is required. Based upon the proposed development shown on the CDP/FDP, there will be 134 net new AM peak hour trips, 163 net new PM peak hour trips, and 1,730 net new average daily vehicle trips.

VI. Public Facilities.

Through proffers, the Applicant will commit to addressing impacts on public schools and recreational facilities in accordance with the criteria and methodology adopted by the Board of Supervisors.

VII. Affordable Housing.

Through proffers, the Applicant will commit to providing affordable housing in accordance with the County's adopted ordinances.

**Waivers**

To the best of the Applicant's knowledge and belief, the proposed use will be in conformance with all applicable ordinances, regulations, and adopted standards with the following exceptions requested below:

1. Waiver of PFM Section 12-0508 for the tree preservation target as further described on the CDP/FDP.
2. Waiver of Zoning Ordinance Section 13-304 for the landscape buffers on the North and Northeast property lines. This waiver is necessary because of storm sewer easements along those property lines that prevent the planting of the required trees. The Applicant believes the buffers and screening shown on the CDP/FDP provide adequate protection to adjacent properties.
3. Waiver of Zoning Ordinance Section 11-203 to allow for only one loading space. The proposed loading space will be gated and completely controlled by the property manager. Use of the loading space must be scheduled with the property manager, so no conflicting use of the loading space will occur.
4. Waiver of PFM Section 6-0303.8 to allow for an underground stormwater vault in a residential property. The urban nature of this development requires underground stormwater storage to facilitate design consistent with the design goals in the Comprehensive Plan.



## **Conclusion**

The proposed development is consistent with the anticipated Comprehensive Plan amendment and shall comply with all ordinances, regulations and adopted standards of Fairfax County. For all of the aforementioned reasons, the applicant respectfully requests the Staff and Planning Commission to endorse, and the Board of Supervisors to approve this rezoning request.

Respectfully submitted by

Scott E. Adams  
McGuireWoods LLP  
Agent for Applicant

\30017902.4



## REZONING AFFIDAVIT

DATE: MAY 8 2012  
(enter date affidavit is notarized)

I, Gregory A. Riegle, do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one) ☐ applicant  
☒ applicant's authorized agent listed in Par. 1(a) below

112464a

in Application No.(s): RZ/FDP 2011-LE-016  
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Insight Property Group, LLC Agent: Richard W. Hausler Edward S. Byrne Trenton M. Smith	8270 Greensboro Drive, Suite 810 McLean, VA 22102	Applicant/Contract Purchaser of Tax Map Nos. 83-3-((4))-A, 83-3-((11))-2, 3, 4, 5, 6
George W. Spicer Agnes G. Spicer	5714 Tremont Drive Alexandria, VA 22303	Title Owner of Tax Map Nos. 83-3-((4))-A, 83-3-((11))-2, 3, 4, 5, 6
Urban Engineering & Associates, Inc., t/a Urban, Ltd. Agent: Clayton C. Tock	4200-D Technology Court Chantilly, VA 20151	Engineer/Agent
M.J. Wells & Associates, Inc. Agent: Terrance J. Miller Priyatham (nmi) Konda	1420 Spring Hill Road, Suite 600 McLean, VA 22102	Traffic Consultant/Agent

(check if applicable) ☒ There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



## Rezoning Attachment to Par. 1(a)

DATE: MAY 8 2012

(enter date affidavit is notarized)

for Application No. (s): RZ/FDP 2011-LE-016  
(enter County-assigned application number (s))

112464 a

**(NOTE:** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
McGuireWoods LLP Agents: Scott E. Adams Carson Lee Fifer, Jr. David R. Gill Jonathan P. Rak Gregory A. Riegler Mark M. Viani Kenneth W. Wire Sheri L. Akin Lisa M. Chiblow Lori R. Greenlief	1750 Tysons Boulevard, Suite 1800 McLean, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent
KTGY Group, Inc. Agent: Mark D. Drake	8605 Westwood Center Drive, Suite 300 Vienna, VA 22182  17922 Fitch Street Irvine, CA 92614	Architect/Agent

(check if applicable)

[ ]

There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.



## REZONING AFFIDAVIT

DATE: MAY 8 2012  
(enter date affidavit is notarized)

112464a

for Application No. (s): RZ/FDP 2011-LE-016  
(enter County-assigned application number(s))

- 1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

## CORPORATION INFORMATION

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Insight Property Group, LLC  
8270 Greensboro Drive, Suite 810  
McLean, VA 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.  
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

Richard W. Hausler	Richard O. Samit
Michael H. Blum	Trenton M. Smith
Sarah A. Davidson	

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer, etc.**)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Rezoning Attachment to Par. 1(b)**

DATE: MAY 8 2012  
(enter date affidavit is notarized)

112464a

for Application No. (s): RZ/FDP 2011-LE-016  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Urban Engineering & Associates, Inc., t/a Urban, Ltd.  
4200-D Technology Court  
Chantilly, VA 20151

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.  
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

J. Edgar Sears, Jr.  
Brian A. Sears

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

M.J. Wells & Associates, Inc.  
1420 Spring Hill Road, Suite 600  
McLean, VA 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.  
☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

MJ Wells & Associates, Inc. Employee Stock Ownership Trust. All employees are eligible plan participants; however, no one employee owns more than 10% of any class of stock.

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.



**Rezoning Attachment to Par. 1(b)**

DATE: MAY 8 2012  
(enter date affidavit is notarized)

112464a

for Application No. (s): RZ/FDP 2011-LE-016  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

KTGY Group, Inc.  
17922 Fitch Street  
Irvine, CA 92614  
8605 Westwood Center Drive, Suite 300  
Vienna, VA 22182

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.  
☒ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDER:** (enter first name, middle initial, and last name)

John P. Tully  
Tricia A. Esser  
Jill D. Williams

---

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

---

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.  
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

---

**NAMES OF OFFICERS & DIRECTORS:** (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

## REZONING AFFIDAVIT

MAY 8 2012

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

112464a

for Application No. (s): RZ/FDP 2011-LE-016  
(enter County-assigned application number(s))

- 1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

## PARTNERSHIP INFORMATION

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state and zip code)

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

(check if applicable) ☒ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

## Equity Partners of McGuireWoods LLP

Adams, John D.	Beil, Marshall H.	Burk, Eric L.
Alphonso, Gordon R.	Belcher, Dennis I.	Busch, Stephen D.
Anderson, Arthur E., II	Bell, Craig D.	Cabaniss, Thomas E.
Anderson, Mark E.	Beresford, Richard A.	Cacheris, Kimberly Q.
Andre-Dumont, Hubert	Bilik, R. E.	Cairns, Scott S.
Bagley, Terrence M.	Blank, Jonathan T.	Capwell, Jeffrey R.
Barger, Brian D.	Boland, J. W.	Cason, Alan C.
Barnum, John W.	Brenner, Irving M.	Chaffin, Rebecca S.
Becker, Scott L.	Brooks, Edwin E.	Cobb, John H.
Becket, Thomas L.	Brose, R. C.	Cogbill, John V., III

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.



**Rezoning Attachment to Par. 1(c)**

DATE: MAY 8 2012  
(enter date affidavit is notarized)

112464a

for Application No. (s): RZ/FDP 2011-LE-016  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

(check if applicable) ☒ The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

Covington, Peter J.  
Cramer, Robert W.  
Cromwell, Richard J.  
Culbertson, Craig R.  
Cullen, Richard (nmi)  
Cutler, Christopher M.  
Daglio, Michael R.  
De Ridder, Patrick A.  
Dickerman, Dorothea W.  
DiMattia, Michael J.  
Dooley, Kathleen H.  
Downing, Scott P.  
Edwards, Elizabeth F.  
Ensing, Donald A.  
Ey, Douglas W., Jr.  
Farrell, Thomas M.  
Feller, Howard (nmi)  
Fennebresque, John C.  
Foley, Douglas M.  
Fox, Charles D., IV  
France, Bonnie M.  
Franklin, Ronald G.  
Fratkin, Bryan A.  
Freedlander, Mark E.  
Freeman, Jeremy D.  
Fuhr, Joy C.  
Gambill, Michael A.

Gibson, Donald J., Jr.  
Glassman, Margaret M.  
Glickson, Scott L.  
Gold, Stephen (nmi)  
Goldstein, Philip (nmi)  
Grant, Richard S.  
Greenberg, Richard T.  
Grieb, John T.  
Harmon, Jonathan P.  
Harmon, T. C.  
Hartsell, David L.  
Hatcher, J. K.  
Hayden, Patrick L.  
Hayes, Dion W.  
Heberton, George H.  
Hedrick, James T., Jr.  
Horne, Patrick T.  
Hosmer, Patricia F.  
Hutson, Benne C.  
Isaf, Fred T.  
Jackson, J. B.  
Jarashow, Richard L.  
Jordan, Hilary P.  
Kanazawa, Sidney K.  
Kannensohn, Kimberly J.  
Katsantonis, Joanne (nmi)  
Kerr, James Y., II

Kilpatrick, Gregory R.  
King, Donald E.  
King, Sally D.  
Kittrell, Steven D.  
Kobayashi, Naho (nmi)  
Kratz, Timothy H.  
Krueger, Kurt J.  
Kutrow, Bradley R.  
La Fratta, Mark J.  
Lias-Booker, Ava E.  
Lieberman, Richard E.  
Little, Nancy R.  
Long, William M.  
Manning, Amy B.  
Marianes, William B.  
Marks, Robert G.  
Marshall, Gary S.  
Marshall, Harrison L., Jr.  
Marsico, Leonard J.  
Martin, Cecil E., III  
Martin, George K.  
Martinez, Peter W.  
Mason, Richard J.  
Mathews, Eugene E., III  
Mayberry, William C.  
McCallum, Steven C.  
McDonald, John G.

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

**Rezoning Attachment to Par. 1(c)**

DATE: MAY 8 2012  
(enter date affidavit is notarized)

112464a

for Application No. (s): RZ/FDP 2011-LE-016  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

(check if applicable) ☒ The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

McElligott, James P.	Rakison, Robert B.	Steen, Bruce M.
McFarland, Robert W.	Reid, Joseph K., III	Stein, Marta A.
McIntyre, Charles W.	Richardson, David L.	Stone, Jacquelyn E.
McLean, J. D.	Riegle, Gregory A.	Swan, David I.
McRill, Emery B.	Riley, James B., Jr.	Tackley, Michael O.
Moldovan, Victor L.	Riopelle, Brian C.	Tarry, Samuel L., Jr.
Muckenfuss, Robert A.	Roberts, Manley W.	Thornhill, James A.
Muir, Arthur B.	Robinson, Stephen W.	Van der Mersch, Xavier G.
Murphy, Sean F.	Rogers, Marvin L.	Vaughn, Scott P.
Natarajan, Rajsekhar (nmi)	Rohman, Thomas P.	Vick, Howard C., Jr.
Neale, James F.	Rosen, Gregg M.	Viola, Richard W.
Nesbit, Christopher S.	Rust, Dana L.	Wade, H. L., Jr.
Nickens, Jacks C.	Satterwhite, Rodney A.	Walker, John T., IV
O'Grady, Clive R.	Scheurer, P. C.	Walker, W. K., Jr.
O'Grady, John B.	Schewel, Michael J.	Walsh, James H.
O'Hare, James P.	Schill, Gilbert E., Jr.	Watts, Stephen H., II
Oakey, David N.	Schmidt, Gordon W.	Westwood, Scott E.
Oostdyk, Scott C.	Sellers, Jane W.	Whelpley, David B., Jr.
Padgett, John D.	Shelley, Patrick M.	White, H. R., III
Parker, Brian K.	Simmons, L. D., II	White, Walter H., Jr.
Phears, H. W.	Simmons, Robert W.	Wilburn, John D.
Phillips, Michael R.	Skinner, Halcyon E.	Williams, Steven R.
Plotkin, Robert S.	Slone, Daniel K.	Wren, Elizabeth G.
Pryor, Robert H.	Spahn, Thomas E.	Young, Kevin J.
Pusateri, David P.	Spitz, Joel H.	
Rak, Jonathan P.	Stallings, Thomas J.	

(check if applicable) ☒ There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.



**Rezoning Attachment to Par. 1(c)**

DATE: MAY 8 2012  
(enter date affidavit is notarized)

112464 a

for Application No. (s): RZ/FDP 2011-LE-016  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

McGuireWoods LLP  
1750 Tysons Boulevard, Suite 1800  
McLean, VA 22102

(check if applicable) ☒ The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,  
**General Partner, Limited Partner, or General and Limited Partner**)

(Former Equity Partner List)

Barr, John S.  
Brown, Thomas C., Jr.  
Buchan, Jonathan E.  
de Cannart d'Hamale, Emmanuel  
Dorman, Keith A.  
Keenan, Mark L.  
Kennedy, Wade M.  
Pankey, David H.  
Potts, William F., Jr.  
Werlin, Leslie M.  
Wilson, James M.  
Younger, W. C.

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued further on a  
"Rezoning Attachment to Par. 1(c)" form.

**REZONING AFFIDAVIT**

**MAY 8 2012**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

112464a

for Application No. (s): RZ/FDP 2011-LE-016  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.



## REZONING AFFIDAVIT

DATE: MAY 8 2012  
(enter date affidavit is notarized)

112464a

for Application No. (s): RZ/FDP 2011-LE-016  
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

Richard W. Hausler of Insight Property Group, LLC donated in excess of \$100 to Sharon Bulova for Fairfax County Board Chair.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant ☒ Applicant's Authorized Agent

Gregory A. Riegle, Esquire

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 8th day of May, 20 12, in the State/Comm. of Virginia, County/City of Fairfax

Grace E. Chae  
Notary Public

My commission expires: 5/31/2012



## PROFFER STATEMENT

I hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission.

1. The applicant recognizes the importance of the former Groveton substation site, now being proposed for office development, as a gateway to the Huntington Metro Study Area. In accord with the goals and objectives of the Study, the applicant proffers to provide, prior to occupancy, street trees and street lights and sidewalks along his site's frontage in accord with the Huntington Study's Comprehensive Plan text, which is scheduled to be ready in July of 1984 and to go to public hearing in the fall of 1984.

It is expected that brick pavers will be used to create sidewalks not more than, but up to, 10 feet in width, and that street trees of a specific type and of 4"-5" in caliper will be planted, and street lights of a specific type will be placed, 30-40 feet on center. The applicant agrees to proffer to aforementioned sidewalks, trees, and lights in accord with the Huntington Metro Study Area's Comprehensive Plan text.

2. The uses of the site and any structures located on the site will be limited to those uses specified in the January 18, 1984 sales contract for the purchase of this and the adjacent parcel, financial institutions, offices, and personal service establishments as defined by the Zoning Ordinance of Fairfax County.
3. Until such time as the adjoining property, 83-3 ((4)) A, is redeveloped barriers shall be placed at all curb cuts to N. Kings Highway in a manner to prevent vehicle access to the property and, in addition, not interfere with pedestrian traffic. At the time that parcel 83-3 ((4)) A is redeveloped, access to the subject site and that parcel from N. Kings Highway shall be consolidated into a single entrance in a location approved by the Office of Transportation and the Virginia Department of Highways and Transportation.
4. When or if interparcel access is made available from Poag and School Streets all curb cuts to this block from N. Kings Street shall be consolidated to a single curb cut designated for entrance only. The location of this entrance shall be subject to the approval of the Office of Transportation and the Virginia Department of Highways and Transportation.



5. The applicant proffers to place Barriers E or F as specified in the Fairfax County Zoning Ordinance at the boundary between parcels 83-3 ((11)) 2 (the subject site) and 83-3 ((11)) 3 located to the west in accordance with the wishes of the adjoining property owner, James B. Conroy.
6. The applicant proffers to file a Proffered Condition Amendment at the time the adjacent parcels to the north and east are redeveloped to permit the coordination of interparcel access and access to the adjacent streets, landscaping, pedestrian facilities, urban design, and other common features and facilities.
7. Construction easements shall be granted as required for the improvement of public roads and transportation in the immediate vicinity.
8. A curb and gutter section shall be provided along the site's frontage on Poag Street in a manner satisfactory to the Virginia Department of Highways.
9. Landscaping shall be provided along the site's frontage on Poag Street. Leyland Cyupress, five feet tall or greater, shall be planted so as to screen the site from the Penn Daw Shopping Center across the street.

*Jan Wb*

*6.18.84*

## RESIDENTIAL DEVELOPMENT CRITERIA

Fairfax County expects new residential development to enhance the community by: fitting into the fabric of the neighborhood, respecting the environment, addressing transportation impacts, addressing impacts on other public facilities, being responsive to our historic heritage, contributing to the provision of affordable housing and, being responsive to the unique site specific considerations of the property. To that end, the following criteria are to be used in evaluating zoning requests for new residential development. The resolution of issues identified during the evaluation of a specific development proposal is critical if the proposal is to receive favorable consideration.

Where the Plan recommends a possible increase in density above the existing zoning of the property, achievement of the requested density will be based, in substantial part, on whether development related issues are satisfactorily addressed as determined by application of these development criteria. Most, if not all, of the criteria will be applicable in every application; however, due to the differing nature of specific development proposals and their impacts, the development criteria need not be equally weighted. If there are extraordinary circumstances, a single criterion or several criteria may be overriding in evaluating the merits of a particular proposal. Use of these criteria as an evaluation tool is not intended to be limiting in regard to review of the application with respect to other guidance found in the Plan or other aspects that the applicant incorporates into the development proposal. Applicants are encouraged to submit the best possible development proposals. In applying the Residential Development Criteria to specific projects and in determining whether a criterion has been satisfied, factors such as the following may be considered:

- the size of the project
- site specific issues that affect the applicant's ability to address in a meaningful way relevant development issues
- whether the proposal is advancing the guidance found in the area plans or other planning and policy goals (e.g. revitalization).

When there has been an identified need or problem, credit toward satisfying the criteria will be awarded based upon whether proposed commitments by the applicant will significantly advance problem resolution. In all cases, the responsibility for demonstrating satisfaction of the criteria rests with the applicant.

### 1. Site Design:

All rezoning applications for residential development should be characterized by high quality site design. Rezoning proposals for residential development, regardless of the proposed density, will be evaluated based upon the following principles, although not all of the principles may be applicable for all developments.

- a) *Consolidation:* Developments should provide parcel consolidation in conformance with any site specific text and applicable policy recommendations of the Comprehensive Plan. Should the Plan text not specifically address consolidation, the nature and extent of any proposed parcel consolidation should further the integration of the development with adjacent parcels. In any event, the proposed consolidation should not preclude nearby properties from developing as recommended by the Plan.



b) *Layout*: The layout should:

- provide logical, functional and appropriate relationships among the various parts (e. g. dwelling units, yards, streets, open space, stormwater management facilities, existing vegetation, noise mitigation measures, sidewalks and fences);
- provide dwelling units that are oriented appropriately to adjacent streets and homes;
- include usable yard areas within the individual lots that accommodate the future construction of decks, sunrooms, porches, and/or accessory structures in the layout of the lots, and that provide space for landscaping to thrive and for maintenance activities;
- provide logical and appropriate relationships among the proposed lots including the relationships of yards, the orientation of the dwelling units, and the use of pipestem lots;
- provide convenient access to transit facilities;
- Identify all existing utilities and make every effort to identify all proposed utilities and stormwater management outfall areas; encourage utility collocation where feasible.

c) *Open Space*: Developments should provide usable, accessible, and well-integrated open space. This principle is applicable to all projects where open space is required by the Zoning Ordinance and should be considered, where appropriate, in other circumstances.

d) *Landscaping*: Developments should provide appropriate landscaping: for example, in parking lots, in open space areas, along streets, in and around stormwater management facilities, and on individual lots.

e) *Amenities*: Developments should provide amenities such as benches, gazebos, recreational amenities, play areas for children, walls and fences, special paving treatments, street furniture, and lighting.

## **2. Neighborhood Context:**

All rezoning applications for residential development, regardless of the proposed density, should be designed to fit into the community within which the development is to be located. Developments should fit into the fabric of their adjacent neighborhoods, as evidenced by an evaluation of:

- transitions to abutting and adjacent uses;
- lot sizes, particularly along the periphery;
- bulk/mass of the proposed dwelling units;
- setbacks (front, side and rear);
- orientation of the proposed dwelling units to adjacent streets and homes;
- architectural elevations and materials;
- pedestrian, bicycle and vehicular connections to off-site trails, roadways, transit facilities and land uses;
- existing topography and vegetative cover and proposed changes to them as a result of clearing and grading.

It is not expected that developments will be identical to their neighbors, but that the

development fit into the fabric of the community. In evaluating this criterion, the individual circumstances of the property will be considered: such as, the nature of existing and planned development surrounding and/or adjacent to the property; whether the property provides a transition between different uses or densities; whether access to an infill development is through an existing neighborhood; or, whether the property is within an area that is planned for redevelopment.

### **3. Environment:**

All rezoning applications for residential development should respect the environment. Rezoning proposals for residential development, regardless of the proposed density, should be consistent with the policies and objectives of the environmental element of the Policy Plan, and will also be evaluated on the following principles, where applicable.

- a) *Preservation:* Developments should conserve natural environmental resources by protecting, enhancing, and/or restoring the habitat value and pollution reduction potential of floodplains, stream valleys, EQCs, RPAs, woodlands, wetlands and other environmentally sensitive areas.
- b) *Slopes and Soils:* The design of developments should take existing topographic conditions and soil characteristics into consideration.
- c) *Water Quality:* Developments should minimize off-site impacts on water quality by commitments to state of the art best management practices for stormwater management and better site design and low impact development (LID) techniques.
- d) *Drainage:* The volume and velocity of stormwater runoff from new development should be managed in order to avoid impacts on downstream properties. Where drainage is a particular concern, the applicant should demonstrate that off-site drainage impacts will be mitigated and that stormwater management facilities are designed and sized appropriately. Adequate drainage outfall should be verified, and the location of drainage outfall (onsite or offsite) should be shown on development plans.
- e) *Noise:* Developments should protect future and current residents and others from the adverse impacts of transportation generated noise.
- f) *Lighting:* Developments should commit to exterior lighting fixtures that minimize neighborhood glare and impacts to the night sky.
- g) *Energy:* Developments should use site design techniques such as solar orientation and landscaping to achieve energy savings, and should be designed to encourage and facilitate walking and bicycling. Energy efficiency measures should be incorporated into building design and construction.



#### **4. Tree Preservation and Tree Cover Requirements:**

All rezoning applications for residential development, regardless of the proposed density, should be designed to take advantage of the existing quality tree cover. If quality tree cover exists on site as determined by the County, it is highly desirable that developments meet most or all of their tree cover requirement by preserving and, where feasible and appropriate, transplanting existing trees. Tree cover in excess of ordinance requirements is highly desirable. Proposed utilities, including stormwater management and outfall facilities and sanitary sewer lines, should be located to avoid conflicts with tree preservation and planting areas. Air quality-sensitive tree preservation and planting efforts (see Objective 1, Policy c in the Environment section of this document) are also encouraged.

#### **5. Transportation:**

All rezoning applications for residential development should implement measures to address planned transportation improvements. Applicants should offset their impacts to the transportation network. Accepted techniques should be utilized for analysis of the development's impact on the network. Residential development considered under these criteria will range widely in density and, therefore, will result in differing impacts to the transportation network. Some criteria will have universal applicability while others will apply only under specific circumstances. Regardless of the proposed density, applications will be evaluated based upon the following principles, although not all of the principles may be applicable.

a) *Transportation Improvements:* Residential development should provide safe and adequate access to the road network, maintain the ability of local streets to safely accommodate traffic, and offset the impact of additional traffic through commitments to the following:

- Capacity enhancements to nearby arterial and collector streets;
- Street design features that improve safety and mobility for non-motorized forms of transportation;
- Signals and other traffic control measures;
- Development phasing to coincide with identified transportation improvements;
- Right-of-way dedication;
- Construction of other improvements beyond ordinance requirements;
- Monetary contributions for improvements in the vicinity of the development.

b) *Transit/Transportation Management:* Mass transit usage and other transportation measures to reduce vehicular trips should be encouraged by:

- Provision of bus shelters;
- Implementation and/or participation in a shuttle bus service;
- Participation in programs designed to reduce vehicular trips;
- Incorporation of transit facilities within the development and integration of transit with adjacent areas;
- Provision of trails and facilities that increase safety and mobility for non-motorized travel.

c) *Interconnection of the Street Network:* Vehicular connections between neighborhoods should be provided, as follows:

- Local streets within the development should be connected with adjacent local streets to improve neighborhood circulation;
- When appropriate, existing stub streets should be connected to adjoining parcels. If street connections are dedicated but not constructed with development, they should be identified with signage that indicates the street is to be extended;
- Streets should be designed and constructed to accommodate safe and convenient usage by buses and non-motorized forms of transportation;
- Traffic calming measures should be implemented where needed to discourage cut-through traffic, increase safety and reduce vehicular speed;
- The number and length of long, single-ended roadways should be minimized;
- Sufficient access for public safety vehicles should be ensured.

d) *Streets:* Public streets are preferred. If private streets are proposed in single family detached developments, the applicant shall demonstrate the benefits for such streets. Applicants should make appropriate design and construction commitments for all private streets so as to minimize maintenance costs which may accrue to future property owners. Furthermore, convenience and safety issues such as parking on private streets should be considered during the review process.

e) *Non-motorized Facilities:* Non-motorized facilities, such as those listed below, should be provided:

- Connections to transit facilities;
- Connections between adjoining neighborhoods;
- Connections to existing non-motorized facilities;
- Connections to off-site retail/commercial uses, public/community facilities, and natural and recreational areas;
- An internal non-motorized facility network with pedestrian and natural amenities, particularly those included in the Comprehensive Plan;
- Offsite non-motorized facilities, particularly those included in the Comprehensive Plan;
- Driveways to residences should be of adequate length to accommodate passenger vehicles without blocking walkways;
- Construction of non-motorized facilities on both sides of the street is preferred. If construction on a single side of the street is proposed, the applicant shall demonstrate the public benefit of a limited facility.

f) *Alternative Street Designs:* Under specific design conditions for individual sites or where existing features such as trees, topography, etc. are important elements, modifications to the public street standards may be considered.

## **6. Public Facilities:**

Residential development impacts public facility systems (i.e., schools, parks, libraries, police, fire and rescue, stormwater management and other publicly owned community facilities). These impacts will be identified and evaluated during the development review process. For schools, a methodology approved by the Board of Supervisors, after input and recommendation by the School Board, will be used as a guideline for determining the impact of additional students generated by the new development.



Given the variety of public facility needs throughout the County, on a case-by-case basis, public facility needs will be evaluated so that local concerns may be addressed.

All rezoning applications for residential development are expected to offset their public facility impact and to first address public facility needs in the vicinity of the proposed development. Impact offset may be accomplished through the dedication of land suitable for the construction of an identified public facility need, the construction of public facilities, the contribution of specified in-kind goods, services or cash earmarked for those uses, and/or monetary contributions to be used toward funding capital improvement projects. Selection of the appropriate offset mechanism should maximize the public benefit of the contribution.

Furthermore, phasing of development may be required to ensure mitigation of impacts.

## **7. Affordable Housing:**

Ensuring an adequate supply of housing for low and moderate income families, those with special accessibility requirements, and those with other special needs is a goal of the County. Part 8 of Article 2 of the Zoning Ordinance requires the provision of Affordable Dwelling Units (ADUs) in certain circumstances. Criterion #7 is applicable to all rezoning applications and/or portions thereof that are not required to provide any Affordable Dwelling Units, regardless of the planned density range for the site.

- a) *Dedication of Units or Land:* If the applicant elects to fulfill this criterion by providing affordable units that are not otherwise required by the ADU Ordinance: a maximum density of 20% above the upper limit of the Plan range could be achieved if 12.5% of the total number of single family detached and attached units are provided pursuant to the Affordable Dwelling Unit Program; and, a maximum density of 10% or 20% above the upper limit of the Plan range could be achieved if 6.25% or 12.5%, respectively of the total number of multifamily units are provided to the Affordable Dwelling Unit Program. As an alternative, land, adequate and ready to be developed for an equal number of units may be provided to the Fairfax County Redevelopment and Housing Authority or to such other entity as may be approved by the Board.
- b) *Housing Trust Fund Contributions:* Satisfaction of this criterion may also be achieved by a contribution to the Housing Trust Fund or, as may be approved by the Board, a monetary and/or in-kind contribution to another entity whose mission is to provide affordable housing in Fairfax County, equal to 0.5% of the value of all of the units approved on the property except those that result in the provision of ADUs. This contribution shall be payable prior to the issuance of the first building permit. For for-sale projects, the percentage set forth above is based upon the aggregate sales price of all of the units subject to the contribution, as if all of those units were sold at the time of the issuance of the first building permit, and is estimated through comparable sales of similar type units. For rental projects, the amount of the contribution is based upon the total development cost of the portion of the project subject to the contribution for all elements necessary to bring the project to market, including land, financing, soft costs and construction. The sales price or development cost will be determined by the Department of Housing and Community Development, in consultation with the Applicant and the Department of Public Works and Environmental Services. If this criterion is fulfilled by a contribution as set forth in this paragraph, the density bonus permitted in a) above does not apply.

## **8. Heritage Resources:**

Heritage resources are those sites or structures, including their landscape settings, that exemplify the cultural, architectural, economic, social, political, or historic heritage of the County or its communities. Such sites or structures have been 1) listed on, or determined eligible for listing on, the National Register of Historic Places or the Virginia Landmarks Register; 2) determined to be a contributing structure within a district so listed or eligible for listing; 3) located within and considered as a contributing structure within a Fairfax County Historic Overlay District; or 4) listed on, or having a reasonable potential as determined by the County, for meeting the criteria for listing on, the Fairfax County Inventories of Historic or Archaeological Sites.

In reviewing rezoning applications for properties on which known or potential heritage resources are located, some or all of the following shall apply:

- a) Protect heritage resources from deterioration or destruction until they can be documented, evaluated, and/or preserved;
- b) Conduct archaeological, architectural, and/or historical research to determine the presence, extent, and significance of heritage resources;
- c) Submit proposals for archaeological work to the County for review and approval and, unless otherwise agreed, conduct such work in accordance with state standards;
- d) Preserve and rehabilitate heritage resources for continued or adaptive use where feasible;
- e) Submit proposals to change the exterior appearance of, relocate, or demolish historic structures to the Fairfax County Architectural Review Board for review and approval;
- f) Document heritage resources to be demolished or relocated;
- g) Design new structures and site improvements, including clearing and grading, to enhance rather than harm heritage resources;
- h) Establish easements that will assure continued preservation of heritage resources with an appropriate entity such as the County's Open Space and Historic Preservation Easement Program; and
- i) Provide a Fairfax County Historical Marker or Virginia Historical Highway Marker on or near the site of a heritage resource, if recommended and approved by the Fairfax County History Commission.



## **ROLE OF DENSITY RANGES IN AREA PLANS**

Density ranges for property planned for residential development, expressed generally in terms of dwelling units per acre, are recommended in the Area Plans and are shown on the Comprehensive Plan Map. Where the Plan text and map differ, the text governs. In defining the density range:

- the “base level” of the range is defined as the lowest density recommended in the Plan range, i.e., 5 dwelling units per acre in the 5-8 dwelling unit per acre range;
- the “high end” of the range is defined as the base level plus 60% of the density range in a particular Plan category, which in the residential density range of 5-8 dwelling units per acre would be considered as 6.8 dwelling units per acre and above; and,
- the upper limit is defined as the maximum density called for in any Plan range, which, in the 5-8 dwelling unit per acre range would be 8 dwelling units per acre.
- In instances where a range is not specified in the Plan, for example where the Plan calls for residential density up to 30 dwelling units per acre, the density cited in the Plan shall be construed to equate to the upper limit of the Plan range, and the base level shall be the upper limit of the next lower Plan range, in this instance, 20 dwelling units per acre.



## County of Fairfax, Virginia

**MEMORANDUM**

DATE: May 23, 2012

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division, DPZ

**FROM:** Pamela G. Nee, Chief *PNN*  
Environment and Development Review Branch, DPZ

**SUBJECT:** **Land Use Analysis & Environmental Assessment:**  
RZ 2011-LE-016 (Insight Property Group)

The memorandum, prepared by Scott Brown, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the development plans dated June 7, 2011 and revised through April 23, 2012. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

**DESCRIPTION OF THE APPLICATION**

The applicant, Insight Property Group, LLC, is requesting a rezoning of six parcels zoned R-4 and C-5, with HRC and CRD overlays, to the Planned Residential Mixed Use (PRM) district, in order to construct a four-story multi-family building with 245 dwelling units for a total of 253,796 square feet on 3.38 acres at the northwest corner of Kings Highway and Poag Street in the Lee Supervisory District. The building would be a maximum of four stories and 49.75 feet in height, and the westernmost area of the building would be a maximum of three stories and 40 feet in height.

The applicant would provide 41,281 square feet (28% of the total area) as open space, and will provide 392 parking spaces in a five-story parking structure with a maximum height of 50 feet. Two residential courtyards and a third public open space amenity are proposed. The applicant also proposes offsite improvements to the adjacent shopping center, as well as road improvements, traffic calming and pedestrian amenities along Kings Highway.

Department of Planning and Zoning  
Planning Division  
12055 Government Center Parkway, Suite 730  
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## **LOCATION AND CHARACTER OF THE AREA**

The subject property consists of six contiguous parcels with a total land area of 147,435 square feet, or 3.38 acres. The property is located at the northwest corner of the intersection of Poag Street and North Kings Highway in the Lee District, and approximately 400 feet north of the Kings Highway/Richmond Highway intersection. The existing uses on the subject property include a two-story brick commercial office building located on the corner parcel zoned C-5; four single-family residential lots zoned R-4 along Poag Street (one of which is vacant); and a vacant C-5 parcel with a narrow frontage on Kings Highway.

A small shopping center is located on the adjacent property to the north at the corner of Kings Highway and School Street. On the opposite (north side) of School Street is a two-story church. The remainder of School Street is occupied by single-family residences on both sides (zoned R-4). To the west along the north side of Poag Street are single-family (R-4) properties. The south side of Poag Street is occupied by the Penn Daw Plaza shopping center, larger shopping center that is zoned C-8 and formerly anchored by a now vacant Shoppers grocery store.

Across Kings Highway to the east is a large triangular piece of land that is bounded by Kings Highway, Richmond Highway and is further broken up into smaller pieces by various access drives between Kings and Richmond Highways. A vacant Rite Aid drug store occupies the largest piece of this land area. Two smaller 'porkchop' islands of land within the rights of way are formed between access roads, located across from the vacant commercial parcel of the subject property. These pieces are vacant. Additional C-8 properties are located just beyond the vacant Rite Aid along Richmond Highway.

Beyond the immediate vicinity are primarily residential neighborhoods (R-4, R-8, R-20) with strip commercial and shopping centers (primarily zoned C-8) along the Richmond Highway corridor.

## **COMPREHENSIVE PLAN CITATIONS:**

### **Land Use**

Fairfax County Comprehensive Plan, 2011 Edition, Fairfax Center Area, as amended through April 26, 2011, Land Unit Recommendations, Land Unit Q, Sub-unit Q9, p. 101-103:

#### **"Sub-unit H-1**

The existing commercial uses between School and Poag Streets along the west side of North Kings Highway are planned for retail, low-rise office and/or compatible institutional uses up to .25 FAR.

As an option, redevelopment with a mix of predominately residential use and ground-floor retail at an overall intensity up to 1.40 FAR may be appropriate. The following conditions should be met:

- Full consolidation of Sub-unit H-1 is desired. At a minimum, however, consolidation should be achieved for Tax Map parcels 83-3((4))A, 83-3((11))2-6. If full consolidation cannot be achieved, the existing 9,500-square-foot retail building on School Street may be retained as all or a portion of the retail use recommended for this sub-unit provided that functional and aesthetic coordination of design is demonstrated, such as the relocation of parking on Tax Map parcel 83-3((4))35 away from the North Kings Highway and School Street frontages to allow for improvements to School Street; outdoor amenities, such as plazas or seating areas are provided; coordinated façade treatments and signage are provided; and improved streetscape to include continuous sidewalks, lighting, and landscaping is provided. Sidewalk improvements should include the construction of missing sidewalk connections on School Street in a configuration and manner to safely accommodate pedestrians and pedestrian crossing.
- High-quality site design and architecture should be provided. Design should be coordinated throughout Sub-units H-1 and H-2, especially if redevelopment is phased.
- Buildings should align with roadways along Poag Street and North Kings Highway, and should be built close to the street to create an urban street edge.
- Any new retail uses should be located on the ground floor of the residential buildings. The location of retail uses should maximize visibility along the frontage of North/South Kings Highway and School Street. Retail uses should offer community amenities, such as sidewalk cafés or restaurants, to the surrounding residential uses.
- Building height should be limited to a maximum of four stories. The tallest buildings should be concentrated along North/South Kings Highway, with building height tapering down toward single-family residential neighborhoods to the west. Townhouse-style residential units should be used to provide a transition to the neighborhoods to the west.
- Adequate buffering should be provided to minimize the visual impact of redevelopment on existing single-family neighborhoods. Buffer areas should be appropriately landscaped with year-round vegetation to aid in the transition to single-family neighborhoods. All or a majority of Tax Map parcel 83-3((11))6 should be utilized as a buffer to existing single-family homes. This buffer area should include publicly accessible open space.
- Well-designed, publicly accessible urban plazas and parks should be integrated to enhance recreational options and a sense of place for the development, consistent with the Urban Park Framework document, as modified by the Fairfax County Park Authority. Redevelopment of this sub-unit should provide a pocket park or plaza. To the extent possible, these open spaces should be contiguous to on-site retail uses. Landscaping improvements to the triangular piece of land at the intersection of Shields Avenue and North Kings Highway, such as a gateway feature or public art,



should be considered as a short-term improvement.

- Parking facilities should be designed to avoid adverse visual impacts to the streetscape and neighboring properties. Parking should be consolidated into structures that are integrated into the development using aesthetically appealing architectural detailing, screening, lighting, and landscaping. Limited convenience surface parking may be appropriate provided need is demonstrated and such spaces are appropriately integrated into the pedestrian environment.
- Development should dedicate adequate right-of-way for planned transportation improvements in the vicinity of Sub-units H-1 and H-2, as shown in Figures 13, 30, 37, and 44. A minor realignment of North/South Kings Highway, that minimizes impacts to the Kings Garden Apartments, to the west in the vicinity of the existing connection of Route 1 should be considered to enhance traffic flow on North/South Kings Highway and to create a pedestrian refuge for improved crossing of Richmond Highway and North/South Kings Highway. Dedication of right-of-way would be needed for this realignment to occur. If deemed appropriate, this realignment should take place concurrent with the severing of the Route 1 connection.
- The intersection of North Kings Highway with School Street should be improved concurrently with redevelopment to facilitate the realignment of North Kings Highway and Shields Avenue. If complete consolidation is not achieved in Sub-unit H-1, individual properties should work cooperatively during redevelopment to achieve this realignment.
- Design and/or construction of other planned transportation improvements, on-site and off-site, should be provided. A financial contribution may be provided towards facilitating implementation of off-site planned transportation improvements, as deemed appropriate.
- Efforts should be made to enhance the walkability and multi-modal connectivity of the land unit, through the addition of sidewalks, streetscaping, and bicycle facilities. Multi-modal connectivity between this land unit and the Huntington Metrorail Station should be enhanced to improve bicycle/pedestrian access through the incorporation of bus shelters and enhanced transit service.
- No new vehicular access should be provided to School Street.
- Traffic and safety concerns on School Street are addressed with traffic-calming and/or anti-cut-through measures, where warranted.
- Shaffer Drive and Poag Street should not be connected.
- Stormwater quantity and quality control measures that are substantially more extensive than minimum requirements should be provided, with the goal of reducing the total runoff volume. The emphasis should be on low impact development (LID)

techniques and best management practices (BMPs) that evapotranspire water, filter water through vegetation and/or soil, and return water to the ground or reuse it and should include such features as rooftop landscaping on the proposed parking structures. Stormwater management measures that are sufficient to attain the stormwater design-quantity control credit and stormwater design-quality control credit of the most current version of the Leadership in Energy and Environmental Design for New Construction (LEED®-NC) or Leadership in Energy and Environmental Design for Core and Shell (LEED®-CS) rating system (or third party equivalent of these credits) should be provided. If this goal is demonstrated not to be achievable, all measures should be implemented to the extent possible in support of this goal.”

Fairfax County Comprehensive Plan, 2011 Edition, Mount Vernon Planning District, as amended through April 10, 2012, Richmond Highway Corridor Area, Urban Design Recommendations, pages 83-94 may be accessed at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area4/mtvernon1.pdf>

## **Environment**

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, pages 8-9.

### **Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**

Policy k: For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County’s streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives: The concentration of growth in mixed-use, transit-oriented centers in a manner that will optimize the use of transit and non-motorized trips and minimize vehicular trips and traffic congestion.



- Minimize the amount of impervious surface created. Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation. Where feasible, convey drainage from impervious areas into pervious areas.
- Encourage cluster development when designed to maximize protection of ecologically valuable land.
- Encourage the preservation of wooded areas and steep slopes adjacent to stream valley EQC areas.
- Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements.
- Where appropriate, use protective easements in areas outside of private residential lots as a mechanism to protect wooded areas and steep slopes.
- Encourage the use of open ditch road sections and minimize subdivision street lengths, widths, use of curb and gutter sections, and overall impervious cover within cul-de-sacs, consistent with County and State requirements.
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements.
- Encourage shared parking between adjacent land uses where permitted.
- Where feasible and appropriate, encourage the use of pervious parking surfaces in low-use parking areas.
- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements.”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 18.

**“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.**

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way.”

Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment, as amended through July 27, 2010, pages 19-21.

**“Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.**

Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:

- Environmentally-sensitive siting and construction of development.
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the Policy Plan).
- Optimization of energy performance of structures/energy-efficient design.
- Use of renewable energy resources.
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products.
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies.
- Reuse of existing building materials for redevelopment projects.
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris.
- Use of recycled and rapidly renewable building materials.
- Use of building materials and products that originate from nearby sources.
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program or other comparable programs with third party certification).

Encourage commitments to the attainment of the ENERGY STAR® rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs. . . .



- Policy b. Ensure that zoning proposals for nonresidential development and zoning proposals for multifamily residential development of four or more stories within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers and Transit Station Areas as identified on the Concept Map for Future Development incorporate green building practices sufficient to attain certification through the LEED program or its equivalent, where applicable, where these zoning proposals seek at least one of the following:
- Development in accordance with Comprehensive Plan Options;
  - Development involving a change in use from what would be allowed as a permitted use under existing zoning;
  - Development at the Overlay Level; or
  - Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range.
- Policy c. Ensure that zoning proposals for residential development will qualify for the ENERGY STAR Qualified Homes designation, where such zoning proposals seek development at the high end of the Plan density range and where broader commitments to green building practices are not being applied.
- Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system.
- Policy e. Encourage energy conservation through the provision of measures which support nonmotorized transportation, such as the provision of showers and lockers for employees and the provision of bicycle parking facilities for employment, retail and multifamily residential uses."

## **COMPREHENSIVE PLAN MAP: Alternative Uses**

### **LAND USE ANALYSIS**

#### **Use, Intensity & Consolidation**

Subunit H-1 is planned for retail, low-rise office or institutional uses up to 0.25 FAR. Under the redevelopment option for Sub-unit H-1, redevelopment of predominantly residential use and ground-floor retail at an overall intensity of up to 1.40 may be achieved by meeting the site specific conditions provided. The applicant's proposal for 245 multi-family units (253,796 sf) is under this development option and thus subject to those development conditions.

The subject property is 3.38 acres, and with the proposed 253,796 sf of development the floor area ratio would be 1.72 FAR and 72 dwelling units per acre. This is above the planned density of 1.4 FAR; however, the applicant is proposing to achieve the desired intensity

through adjacent properties on School Street that will give over their land area to the calculations. When these additional parcels are included, the overall FAR is under 1.40.

The planned use is residential with ground floor retail. The proposed development provides only a residential building with no ground level retail uses. Again, the applicant is proposing to include the adjacent Lee properties along School Street in the application in terms of the overall land use consideration. Mr. Lee's property includes a 9,500 sf building that is occupied by retail tenants. With consolidation, or coordination and agreements at a level that essentially achieves the intent of full consolidation (as described in the following section), the existing retail space would be considered as meeting the recommendation for ground-level retail.

#### Consolidation

The intent of the development option is to achieve full consolidation of the subject property and Lee properties together. However, the conditions provide that if full consolidation cannot be achieved:

“the existing 9,500-square-foot retail building on School Street may be retained as all or a portion of the retail use recommended for this sub-unit provided that functional and aesthetic coordination of design is demonstrated, such as the relocation of parking on Tax Map parcel 83-3((4))35 away from the North Kings Highway and School Street frontages to allow for improvements to School Street; outdoor amenities, such as plazas or seating areas are provided; coordinated façade treatments and signage are provided; and improved streetscape to include continuous sidewalks, lighting, and landscaping is provided. Sidewalk improvements should include the construction of missing sidewalk connections on School Street in a configuration and manner to safely accommodate pedestrians and pedestrian crossing.”

The applicant is proffering a contribution of \$250,000 to be used for site plan revisions; approvals and permitting; and design and construction of all of the following improvements to the Lee property and existing shopping center: (1) additional parking and related site improvements; (2) a patio/plaza; (3) building, façade and signage improvements; (4) landscaping; (5) stormwater management of the new parking area for the shopping center. As an attachment to the proffer, there is an exhibit provided showing the plan for the new parking area, patio and landscaping. The proffer indicates that the contribution fund will be provided as an escrow deposit prior to site plan approval of the subject property, and released upon permit approval of the offsite site improvements for use in accordance with the approved plans. These improvements will be substantially completed prior to the issuance of the first Residential Use Permit for the subject property.

#### *Resolution*

The determination of the proposed development's conformance to the comprehensive plan is contingent on the adequacy of the proffers and agreements for improvements of the Lee properties. Planning staff feels that although the applicant is not achieving full consolidation of Subunit H-1, the applicable proffers and agreements for offsite improvements on the remaining H-1 parcels, and the proffered timing of those agreements, are adequate in ensuring that there



will be substantial conformance with the development option conditions addressing aesthetic and functional coordination for the entirety of the subunit.

#### Use & Intensity

The proposed development is 245 residential units with a development floor area of 253,796 square feet. This is a density of 1.72 FAR; however, the 1.4 FAR maximum assumes the total area of Subunit H-1. With the acreage and assumed 10,000 sf of retail on the Lee property, the effective FAR is under 1.4 for the total subunit (at approximately 1.38). The applicant is also providing 12% of its residential units as affordable/workforce dwellings which will lower the qualifying FAR, as those units will not count towards the FAR calculations.

The plan guidance recommends commercial use is provided as ground floor retail within new multi-family buildings; however this also assumes a full consolidation. The applicant intends to provide upgrades to the existing retail on the Lee property and coordinate new tenants in order to provide the 10,000 square feet of neighborhood retail the community desires and envisions for this subunit. The applicant will need to show through proffers or other written agreements with the adjacent landowner that indicates a level of commitment to the offsite improvements that would be achieved under a full consolidation.

#### **Other Applicable Conditions**

##### *Site Design & High Quality Architecture*

The applicant is providing a multi-family residential building with high-quality residential amenities and a design and intensity that achieves the planned vision for the H-1 Subunit. The building footprint is located appropriately close to the street to provide an urban street edge and allow room for a quality streetscape environment.

##### *Ground Floor Retail*

The applicant is providing improvements to the adjacent shopping center in lieu of ground floor retail within the new residential building. As discussed previously in regards to consolidation, the development should be found in conformance with this condition so long as the applicable proffers and agreements prove adequate coordination of the offsite improvements to the existing shopping center.

##### *Building Height*

Building heights should be limited to four stories with tallest buildings located along Kings Highway and tapering back towards the single-family residences. Townhouse style residential should be used to provide a transition.

The bulk of the proposed building is four stories with a maximum height of 49.75 feet, with a drop down to 3 stories and 40 feet in height on the westernmost end of the structure. The units on the west end of the building are not townhomes, but the applicant has provided an exhibit showing the west façade will provide a townhouse appearance by varying the façade colors and materials to appear as townhomes. The intent of the condition is to prevent an uninterrupted façade that appears as townhouses to provide a good transition to the adjacent residences, and

does not necessarily intend to require actual townhomes. The proposed development meets the intent of this condition.

### *Buffering*

Plan guidance recommends that all or most of the westernmost parcel (83-3((11))-6) should be utilized as a buffer to the single-family houses. The applicant is providing approximately half of the existing parcel width (50 feet of the 100 foot width) as a buffer area that includes a publicly accessible walking trail, stormwater vault, and peripheral landscaping. Screening is provided through vegetation and a 6 foot tall wood fence along the full western boundary. This is a minimally acceptable transition to the neighboring properties. The ability to provide additional vegetation for screening is precluded by a stormwater vault that is proposed within this space. Additional width cannot be accommodated without a redesign of the residential building to a smaller footprint.

### *Parking Garage Design*

Discussed in next section (Urban Design Guidelines)

### *Parks, Plazas, and Pedestrian Amenities*

A publicly accessible park space is proposed between the west wall of the residential building and the western property boundary. This space will provide new landscape plantings, benches and a walking trail. As discussed previously, this space is only 50 feet wide, and is limited to passive use. A larger, more usable space is preferred; however, this would require a redesign of the residential building in order to accommodate more width.

In addition to the park, the applicant would also provide a seating area with four benches within the Kings Highway streetscape, and the offsite improvements to the adjacent shopping center include a patio area with seating. The applicant is proposing to construct two new bus shelters, which will be accessed across from the southeast corner of the site. Crosswalks are being added across Poag Street and Kings Highway to aid pedestrian crossings to the two bus shelters. The applicant will also provide sidewalk and landscaping improvements to the 'porkchop' island within Kings Highway, as well as a new crosswalk to this area from the School Street/Kings Highway intersection.

### *Streetscapes*

The applicant is providing onsite and offsite improvements to pedestrian mobility and access to transit. A continuous sidewalk will be provided around the perimeter of the residential structure, which will be 4 feet in width along the north and west sides of the building, and 5 feet and 6 feet in width along the Poag Street and Kings Highway streetscapes, respectively. To meet the Urban Design Recommendations for the Richmond Highway Corridor, the streetscape along North Kings Highway should include a minimum 6' sidewalk, a minimum 9' curb edge landscape strip, and a 5' browsing area adjacent to the building. The standards are met; however, it is expected that a new right turn lane from southbound traffic on North Kings Highway onto Poag Street may be required, and part of the accommodating width would have to be taken from the North Kings Highway streetscape without impacting the building's design. In this scenario, the tapered area required to provide the turn lane results in a reduced



sidewalk width from 9' to 6' in width (still meets standards); a 4' wide curb edge landscape strip (structural soils would be provided under the sidewalk to accommodate street tree root growth); and a variable width browsing area between 5' at its narrowest to 15' at its widest. The full streetscape standards would not be met (particularly the landscape strip area); however, this is also a worst-case scenario that would only occur if the turn lane is required. Additional width (1' or 2') may also be added to the strip depending on the turn lane width requirement.

Under the development option conditions, a continuous streetscape should be provided throughout the land subunit, and surface parking spaces should be relocated away from School Street and North Kings Highway. The applicant has stated that the parking spaces in front of the School Street Shopping Center would need to be kept in order to maintain a viable retail space. This presented an obstacle to accommodating additional width along the Kings Highway frontage to provide an adequate streetscape, and therefore no streetscape improvements to the streetscape in front of the Lee property were proposed. The applicant has since provided a solution that would accommodate an adequate streetscape. This design would bulb out the streetscape into an existing traffic lane that would have been restriped and closed to traffic, providing enough additional width to accommodate the streetscape standards for North Kings Highway. New plans showing this design were not provided in time for the writing of this memo; however, they are expected prior to the publishing of the staff report.

#### *Stormwater Quality & Quantity*

Discussed later in the Environmental Analysis section below.

### **Urban Design Guidelines**

#### *Landscape Elements*

Visual impacts of structured parking should be reduced by rooftop landscaping, perimeter landscaping at ground level, and multilevel plantings. The applicant is providing ground level landscaping at the rear of the garage where it is not wrapped by the building; however, no rooftop landscaping or multi-level plantings are provided. The applicant is encouraged to provide multi-level plantings along the exposed north side of the garage. Landscaping on the rooftop, at the end of each row of parking is also recommended.

#### *Building Design Elements*

In general, the proposed design of the building meets the criteria of the development conditions and Urban Design Guidelines for quality of architecture, appropriateness of scale, and character compatibility. The remaining concerns are the exposed north side of the parking garage, and the coordination of design of all elements of the development.

Planning staff previously recommended multi-level planting and/or architectural treatments to better the aesthetics of the parking garage, which will be exposed along School Street. Multi-level plantings are not proposed, and it is unclear from the elevations provided that the architectural treatments of garage façade do anything to enhance the appearance.

Proffers or details should be provided that indicate a uniformity of design between the multi-family building and the improvements that will be done for the shopping center on the Lee property. The current proffers indicate that building, façade, and signage improvements are proposed, but details of those improvements are needed.

## **ENVIRONMENTAL ANALYSIS**

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the county's remaining natural amenities.

### **Green Building Policy**

Non-residential development and multi-family development of four stories or more within Community Business Centers are expected to incorporate green building practices sufficient to attain certification through the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) program or its equivalent.

The applicant intends to design and construct the building to LEED Silver certification under either the New Construction (LEED-NC) or LEED for Homes Multifamily Mid-Rise rating system. The applicant has provided proffers to attain a sufficient level of design-oriented credits for LEED-Silver in the USGBC's preliminary review. If the applicant fails to achieve this level of credits in the preliminary review, it will post an escrow of \$2/square foot of gross floor area to be released upon demonstrating that LEED-Certification or higher level has been met.

### **Stormwater Quality and Quantity**

To meet the development conditions, stormwater quality and quantity controls must be provided that are more extensive than the minimum requirements, with an emphasis on low impact development (LID) techniques and best management practices (BMPs). Stormwater management measures that would meet the criteria of the stormwater design-quality control and quantity control credits for LEED-NC/LEED-CS should be provided – and if demonstrated not to be achievable, all measures should be implemented to the extent possible in support of this goal.

The applicant proposes to manage stormwater through two underground vaults, one to be located within the buffer area next to the western boundary line, and one in Courtyard B. Raingarden biofilters (an LID technique) are proposed along the perimeter of the building, between the structure and the sidewalk along Poag Street.

The applicant is proffering to implement stormwater management techniques to control quality and quantity of stormwater runoff, with a list of several BMPs and LID techniques. They are also providing proffer language indicating they will achieve water quality beyond the PFM standards, including phosphorous reduction beyond the PFM requirements. The applicant has stated they would achieve a level of water quality management that would meet LEED standards, but the water quantity management credit could not be met due to site constraints (but would still



be above the PFM requirements. Subject to verification and comments from the DPWES Stormwater Management Division, planning staff believes the applicant has met the intent of the stormwater management condition of the Plan.

### **Tree Preservation**

The applicant is requesting a waiver for their tree preservation target. Of the trees that are contributing to the 10-year tree canopy, most are located on the interior of the site and preservation would preclude development of the site. The applicant therefore requests a waiver of the tree preservation target and intends to meet its 10-year canopy requirement through new plantings. Planning staff recommends the applicant work with Urban Forestry Management to achieve the maximum tree cover that can be reasonably accommodated onsite.

### **COUNTYWIDE TRAILS PLAN**

The Countywide Trails Plan map indicates a Minor Paved Trail (4 to 8 feet in width) is planned along Kings Highway in front of the subject property. A 9 foot wide sidewalk is shown in the applicant's development plans along Kings Highway.

PGN/STB



## County of Fairfax, Virginia

**MEMORANDUM**

**DATE:** March 22, 2012

**TO:** Barbara C. Berlin, Director, Zoning Evaluation Division  
Department of Planning & Zoning

**FROM:** *Barbara A. Byron*  
Barbara A. Byron, Director  
Office of Community Revitalization (OCR)

**SUBJECT:** RZ 2011-LE-016, Insight Property Group, LLC

The Office of Community Revitalization (OCR) has reviewed the above referenced Conceptual Development Plan/Final Development Plan dated stamped as "Received Department of Planning and Zoning, January 19, 2012."

The applicant is seeking a rezoning from the R-4 and C-5 Districts to the PRM District. Additionally, the applicant is requesting a waiver for Sec. 11-203 of the Zoning Ordinance to allow for only one loading space instead of the required four spaces, and waivers from the Public Facilities Manual for tree preservation and to allow an underground storm water vault in a residential property.

This rezoning case has been concurrent with a Comprehensive Plan amendment for the subject property, as part of a larger area Special Study. The proposed Plan amendment conforms to the broad goals established for Commercial Business Centers (CBC) while allowing for flexibility in redevelopment by setting a maximum number of residential units and a minimum level of retail square footage. Pedestrian-orientation is emphasized with guidance related to streetscape and urban design, and impacts on neighboring stable residential neighborhoods are addressed through building height, buffering and tapering provisions. If approved, the proposed Plan amendment for the Penn Daw CBC should encourage revitalization and reinvestment and bring about much needed transportation, pedestrian and urban design improvements to the area.

Full consolidation of all parcels in Sub-unit H-1 is desired. In the absence of full consolidation of all parcels in proposed Sub-unit H-1, the applicant needs to demonstrate functional and aesthetic coordination of the design between the new development and the existing 9,500 square foot retail building and site adjacent to the subject property ("Lee property"). To achieve this, the applicant needs to provide





elevations showing the façade of the new development and the renovated existing retail building, outdoor amenities being provided, streetscape treatments, screening and buffering, and any changes to the parking lot and/or circulation on the "Lee property". Additionally, it must be demonstrated that the owner, Mr. Lee, agrees to all of the proposed improvements to his property, and that sufficient means have been secured to ensure completion of these improvements prior to the issuance of the first RUP for the applicant's property.

There is interest in providing additional parking on the "Lee property", perhaps under a shared parking arrangement, for the Church located directly across from the "Lee property" on School Street. At a minimum, any on-street accessible parking for the church property lost due to street /intersection improvements on School Street should be provided for on the "Lee property".

All proffered transportation improvements should be completed by the applicant prior to the issuance of the first RUP for the property. Also, the applicant should commit to construct the left turn lane in the reconfigured traffic island located at North Kings Highway and Shields Avenue, subject to final engineering.

The Comprehensive Plan for Penn Daw envisions publically accessible urban plazas and parks consistent with the county's Urban Park Framework document. The applicant is showing an urban public park to the rear of the proposed residential development. This park needs to look and feel like a public park and not have the appearance and feel of a private park space for use by the residents only. A public access easement should be provided for this area and signage should be placed at the entryway that clearly indicates that this is a public park. Any rules for the use of this park also should be posted at the park entrance.

There is a notation on the landscape plan for a four foot chain link fence along a portion of the Poag Street frontage (sheet 9), but this is not shown on the Poag Street streetscape section (sheet 10, detail 5). Clarification is needed about this fencing, which could make this section of Poag Street less inviting to pedestrians and might make the park feel more private.

The parking structure needs to be adequately screened from view. An elevation showing what the parking garage would look like from School Street is needed to better evaluate what is being proposed by the applicant. Finally, one loading space seems insufficient for the intended use, and therefore, it is recommended that at least two loading spaces be provided.

The rezoning application would allow for the redevelopment of a prominent entryway site in the Penn Daw CBC, and would provide for much needed transportation and pedestrian improvements that would enhance accessibility and safety in this



congested area of the Richmond Highway corridor. This redevelopment would serve to enhance both the appearance and economic viability of the area.

Cc. William Mayland, DPZ  
OCR files



**Office of Community Revitalization**  
12055 Government Center Parkway, Suite 1048  
Fairfax, VA 22035  
703-324-9300, TTY 711  
[www.fcrevit.org](http://www.fcrevit.org)






## County of Fairfax, Virginia

**MEMORANDUM**

February 10, 2012

**TO:** William Mayland, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Todd Nelson, Urban Forester II  
Forest Conservation Branch, DPWES 

**SUBJECT:** City View; CDP/FDP 2011-LE-016

**RE:** Request for assistance dated January 30, 2012

This review is based upon the Conceptual Development Plan/Final Development Plan (CDP/FDP) 2011-LE-016 stamped "Received, Department of Planning and Zoning, January 19, 2012." A site visit was conducted on July 11, 2011, as part of a review of the CDP/FDP stamped "Received, Department of Planning and Zoning, June 14, 2011."

General Comment: Urban Forest Management Division (UFMD) comments and recommendations were provided to DPZ in my memo dated August 2, 2011. These comments and recommendations were not adequately addressed and are identical to the following comments and recommendations.

- 1. Comment:** A deviation from the Tree Preservation Target is being requested as indicated in the tree preservation calculations on sheet 11. However, the deviation request does not appear to be in conformance with PFM 12-0508.4, it does not include one or more of the justifications listed in PFM 12-0508.3, and it does not include a narrative that provides a site-specific explanation of why the Tree Preservation Target cannot be met.

**Recommendation:** A request to deviate from the Tree Preservation Target shall take the form of a letter addressed to the Director that provides a basis for the deviation, describes how the deviation is the minimum necessary to afford relief, and describes how the 10-year Tree Canopy Requirements could otherwise be met. Deviations may be requested in accordance with PFM 12-0508.3A, and should include one or more of the justifications listed in Chapter 122-2-3(b) of the County Code, as part of the CDP/FDP.

In addition, proffer language containing a directive from the Board of Supervisors to the Urban Forest Management Division, DPWES, or Director of DPWES to permit a deviation from the Tree Preservation Target percentage should be provided.



2. **Comment:** It appears a modification of the transitional screening and barrier requirements for the northwest property boundary, Buffer A-B, is required. The 75% 10-year tree canopy requirement for this area, 3,750 sq. ft., is not being met as only 3,500 sq. ft. of 10-year tree canopy is proposed for this area, as indicated in the transitional screening and barrier calculations on sheet 11.

**Recommendation:** A modification request of the transitional screening and barrier requirements for the northwest property boundary with a detailed justification in conformance with ZO 13-305 should be provided as part of the CDP/FDP.

3. **Comment:** It does not appear easements for all proposed and existing public utilities have been identified.

**Recommendation:** Easements for all proposed and existing public utilities should be shown and identified on the CDP/FDP.

Please contact me at 703-324-1770 should you have any questions.

TLN/  
UFMID #: 162302

cc: RA File  
DPZ File





## County of Fairfax, Virginia

## MEMORANDUM

DATE: May22, 2012

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Angela Kadar Rodeheaver, Chief  
Site Analysis Section  
Department of Transportation

**FILE:** 3-4 (RZ 2011-LE-016)

**SUBJECT:** Transportation Impact

**REFERENCE:** RZFDP 2011-LE-016 Insight Property Group, LLC  
Traffic Zone: 1492  
Land Identification Map: 83-3 ((4)) A; ((11)) 2-6

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated April 27, 2011, and revised through April 23, 2012. The applicant wishes to rezone the 3.38 acre site from R-4, C-5, HC & CRD to PRM, HC & CRD to permit the construction of multi-family dwelling units. Existing access to North Kings Highway will be removed and the building will have one access on Poag Street to an internal above-ground parking garage to serve the residents. On-street parallel parking will also be provided on the north side of Poag Street. There will be a total of 245 units for a density of 72 dwelling units per acre and an FAR of 1.72. However, the Comprehensive Plan FAR is met when the adjacent Lee site to the north (TM 83-3((4))35), also a part of Sub-unit H-1, is included to make the FAR 1.4.

The applicant is providing a number of transportation improvements in the vicinity of the site in compliance with the Comprehensive Plan, among which are: constructing missing sidewalk connections on School Street; adding solar-powered bus shelters, bike racks, and parking/storage for residents to enhance multi-modal connectivity between this land unit and Huntington Metrorail Station; contributing \$20,000 toward traffic calming on School Street; providing a transportation demand management (TDM) plan with a goal of 25% reduction of p.m. peak hour trips; and providing a contribution of \$94,000 toward the future realignment of North Kings Highway and School Street/Shields Avenue. Additional parking is being provided on Tax Map parcel 83-3((4))35 away from the North Kings Highway and School Street frontages to allow for a plaza seating area and improved and continuous streetscape and landscaping.

In addition, at the request of local authorities, the applicant is adding as interim improvements, an additional eastbound left turn lane on School Street at North Kings Highway and Shields Avenue, and a new northbound left turn at North Kings Highway and Shields Avenue.

Other improvements include: repaving the trail linking School Street and Mount Eagle Elementary School, providing traffic island enhanced landscaping, and more sidewalk connectivity in the area. There is also a proffer to provide a traffic and pedestrian signal at the intersection of North Kings Highway and Poag Street if warranted and approved by VDOT. The applicant should do the warrant analysis and, if warranted and approved, design and install the signal.

There have been two major transportation issues. One has been the right turn lane on southbound North Kings Highway at Poag Street which VDOT has said should be provided. The applicant now has proffered to provide a right turn lane from North Kings Highway to Poag Street by either restriping the existing pavement or constructing a right turn lane within the existing right-of-way. The existing right-of-way is sufficient for a turn lane but streetscaping between the curb and the sidewalk is then diminished.

The other major transportation issue is the amount of the contribution for the planned improvements to the intersection of North Kings Highway and School Street plus other transportation improvements in the area. Other transportation improvements in the vicinity as stated in the Plan include the minor realignment of North Kings Highway in order to move further south the current connection to Route 1 south of the site. The amount now in the proffer is \$94,000 for improvements to the North Kings Highway and School Street intersection plus the realignment. This amount was based on the applicant's estimate of \$2 million for the improvements ultimately needed in this area. An estimate by this department, which includes right-of-way and utilities, found that \$4 million was a more appropriate amount for these improvements which would make the contribution amount \$188,000. (The applicant's 4.7% of traffic was used to calculate the contribution amount.) This issue is not resolved.

AKR/LAH/lah





FAIRFAX COUNTY  
PUBLIC SCHOOLS

Department of Facilities and Transportation Services

Office of Facilities Planning Services  
8115 Gatehouse Road, Suite 3300  
Falls Church, Virginia 22042

April 12, 2012

**TO:** Barbara Berlin, Director  
Fairfax County Department of Planning & Zoning  
Zoning Evaluation Division

**FROM:** Denise M. James, Director *DMJ*  
Office of Facilities Planning Services

**SUBJECT:** RZ/FDP 2011-LE-016, Penn Daw

**ACREAGE:** 3.38 acres

**TAX MAP:** 83-3

**PROPOSAL:** Rezoning from the R-4, C-5, HC, CRD Districts to the PRM, HC, CRD Districts to permit up to 280 multi-family units.

**COMMENTS:** This memo revises a previous memo dated July 11, 2011, to reflect the applicant's change in the number of multi-family units being proposed from 280 to 245.

The proposed rezoning area is within the Mount Eagle Elementary, Twain Middle, and Edison High school boundaries. The chart below shows the existing school capacity, enrollment, and projected enrollment.

School	Capacity	Enrollment (9/30/10)	2012-13 Projected Enrollment	Capacity Balance 2012-13	2016-17 Projected Enrollment	Capacity Balance 2016-17
Mount Eagle ES	382	335	330	52	434	-52
Twain MS	1,025	861	887	138	966	59
Edison HS	1,800/1,875*	1,641	1,517	358	1,579	296

*Capacity and enrollment are based on the FCPS FY 2012-16 CIP and spring update.*

*\*Note: Renovations at Edison are anticipated to be completed for the 2012-13 school year.*

The school capacity chart above shows a snapshot in time for student enrollments and school capacity balances. Student enrollment projections are done on a six year timeframe, currently through school year 2016-17, and are updated annually. At this time, if development occurs within the next six years, Mount Eagle Elementary is projected to have a capacity deficit of -52 student spaces and new students are anticipated to increase this projected capacity deficit. According to FCPS DIT, the average elementary class size for the 2011-12 school year is 22 students. The projected capacity deficit of -52 students equates to a need for 2 classrooms to accommodate these students. Twain and Edison are projected to have sufficient capacity. Beyond the six year projection horizon, enrollment projections are not available.

It is noted that student enrollment projections currently are being updated and will be completed shortly. The available capacity shown for Twain and Edison are likely to change due to the School Board's approval of the Annandale Regional Study, which changed the attendance area boundary for both schools. These changes in student enrollment will be reflected in the revised student enrollment projections, which are currently underway and will be completed shortly.

The rezoning application proposes a five story mid-rise multifamily development. Currently, the area is developed with single family homes and commercial uses. The charts below show the anticipated student yields based on the current countywide student yield ratios.

**Existing**

School	Units - SFD	Ratio	Student Yield
Elementary	5	0.266	1
Middle	5	0.084	0
High	5	0.181	1

**Total**

**2**

Currently there is one student residing in the application area.

**Proposal**

School	Units - Mid-rise MF	Ratio	Student Yield
Elementary	245	.047	12
Middle	245	.013	3
High	245	.027	7

**Total**

**22**

**SUMMARY:**

The rezoning application is anticipated to yield 22 new students. As noted earlier, the average elementary class size is 22 students. This rezoning is anticipated to yield 22 new students, which equates to the need for an additional classroom. In addition, Mount Eagle Elementary is projected to be overcrowded with a capacity deficit. New students from the rezoning are anticipated to increase the capacity deficit at Mount Eagle.

Based on the approved proffer formula guidelines, the students generated would justify a proffer contribution of \$187,560 (22 new students – 2 existing = 20 x \$9,378) in order to address capital improvements for the receiving schools. It is recommended that all proffer contributions be directed to the Edison HS pyramid and/or to Cluster V schools that encompass this area at the time of site plan approval or building permit approval. A proffer contribution at the time of occupancy is not recommended because this does not give the school system adequate time to apply the proffer funding to offset the impact of new students.

It is also recommended that notification be given to FCPS when construction is anticipated to commence. This will assist FCPS by allowing for the timely projection of future students as a part of the Capital Improvement Program.

In addition, an "escalation" proffer is recommended. The suggested per student proffer contribution is updated on an annual basis to reflect current market conditions. The amount has decreased over the last couple of years because of the down turn in the economy and lower construction costs for FCPS. As a result, an escalation proffer would allow for payment of the school proffer based on either the current suggested per student proffer contribution at the time of zoning approval or the per student proffer contribution in effect at the time of development, whichever is greater. This would better offset the impact that new student yields will have on surrounding schools at the time of development. For your reference, below is an example of an escalation proffer that was included as part of an approved proffer contribution to FCPS.



- A. Adjustment to Contribution Amounts. Following approval of this Application and prior to the Applicant's payment of the amount(s) set forth in this Proffer, if Fairfax County should increase the ratio of students per high-rise multifamily unit or the amount of the contribution per student, the Applicant shall increase the amount of the contribution for that phase of development to reflect the then-current ratio and/or contribution. If the County should decrease the ratio or contribution amount, the Applicant shall provide the greater of the two amounts.

DMJ/mat

Attachment: Locator Map

cc: Daniel G. Storck, School Board, Mount Vernon District  
Ilryong Moon, School Board, At-Large  
Ryan McElveen, School Board Member, At-Large  
Ted Velkoff, School Board Member, At-Large  
Dean Tistadt, Chief Operating Officer  
Frances Ivey, Cluster V, Assistant Superintendent  
Jean Consolla, Principal, Mount Eagle Elementary School  
Aimee Holleb, Principal, Twain Middle School  
Gregory Croghan, Principal, Edison High School



## M E M O R A N D U M

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Sandy Stallman, Manager *SS*  
Park Planning Branch, PDD

**DATE:** May 2, 2012

**SUBJECT:** RZ-FDP 2011-LE-016; Cityview/Insight, Revised  
Tax Map Number(s): 83-3((4))A; 83-3((11)) 2,3,4,5,6

**BACKGROUND**

The Park Authority staff has reviewed the revised Development Plan dated April 24, 2012, for the above referenced application. The Development Plan shows 245 new multi-family dwelling units, 12% ADU's (30 units) with ancillary retail uses in a single building on a 3.38 acre parcel to be rezoned from R-4,C-5, HC and CRD to PRM with proffers. Based on an average multi-family household size of 2.09 in the Mount Vernon Planning District, the development could add 512 new residents (245 new units x 2.09 = 512) to the Mount Vernon Supervisory District.

**COMPREHENSIVE PLAN GUIDANCE**

The County Comprehensive Plan includes both general and specific guidance regarding parks and resources. The Policy Plan describes the need to mitigate adverse impacts to park and recreation facilities caused by growth and development; it also offers a variety of ways to offset those impacts, including contributions, land dedication, development of facilities, and others (Parks and Recreation, Objective 6, p.8). The Policy Plan also cites differing needs for more urban development and presents Urban Park Development guidance (Parks and Recreation, Park Classification System, p.10-11). The Park Authority's Urban Parks Framework provides an urban parkland standard and more detailed guidance. This evaluation is based on the policies in the Parks and Recreation section of the Countywide Policy Plan, text in the Area IV Plan, Mount Vernon Planning District Overview section and in the Richmond Highway Corridor, Penn Daw CBC section, Land Unit H and Sub-unit F2.

The Mount Vernon Planning District overview text states

*"Development of new Urban Parks in the Community Business Centers should be an integral component of revitalization efforts, as should be the provision of Neighborhood Park facilities in conjunction with new residential development."*  
(Parks and Recreation, page 22).



This recommendation is echoed in the Great Parks, Great Communities Park Comprehensive Plan. Specific Mount Vernon Planning District park and recreation objectives include:

- Expand selected park sites to provide additional active recreation facilities.
- Complete development of existing parks and upgrade facilities as needed.
- Provide Urban and Neighborhood Parks and facilities in conjunction with new development.

## **ANALYSIS AND RECOMMENDATIONS**

### **Park Needs:**

Using adopted service level standards, staff has identified a need for all types of parkland and recreational facilities in this area. Existing nearby parks (Jefferson Manor, Mount Eagle, Belle Haven, Fort Willard, Lenclair, Bucknell, Mount Vernon District, Lee District) meet only a portion of the demand for parkland generated by residential development in the Richmond Highway Corridor. The area is well served by district parks, but not well served by local serving parks that ideally are within walking or a short driving distance from users. The existing nearby parks meet only a portion of the demand for park facilities generated by residential development in this area. In addition to parkland, the recreational facilities in greatest need in the Mount Vernon Planning District include sport courts, playgrounds, athletic fields, picnic shelters, a small-scale skate park and trails.

### **Recreational Impact of Residential Development:**

The Fairfax County Zoning Ordinance requires provision of open space and recreational features within Planned Development Districts (see Zoning Ordinance Sections 6-110 and 16-404). The minimum expenditure for park and recreational facilities within these districts is set at \$1,700 per non-ADU residential unit for outdoor recreational facilities to serve the development population. Whenever possible, the facilities should be located within the residential development site. With 215 non-ADUs proposed, the Ordinance-required amount to be spent onsite is \$365,500. Any portion of this amount not spent onsite should be conveyed to the Park Authority for recreational facility construction at one or more park sites in the service area of the development.

The \$1,700 per unit funds required by Ordinance offset only a portion of the impact to provide recreational facilities for the new residents generated by this development. Typically, a large portion if not all of the Ordinance-required funds are used for outdoor recreational amenities onsite. As a result, the Park Authority is not compensated for the increased demands caused by residential development for other recreational facilities that the Park Authority must provide.

With the Countywide Comprehensive Policy Plan as a guide (Appendix 9, #6 of the Land Use section, as well as Objective 6, Policy a, b and c of the Parks and Recreation section), the Park Authority requests a fair share contribution of \$893 per new resident with any residential rezoning application to offset impacts to park and recreation service levels. This allows the Park Authority to build additional facilities needed as the population increases. To offset the additional impact caused by the proposed development, the applicant should contribute \$457,216 to the Park Authority for recreational facility development at one or more park sites located within the service area of the subject property.



Onsite Facilities:

The Urban Park Framework and the Park and Recreation element of the Policy Plan support the concept of integrating urban-scale public open spaces into CBC areas. Using the urban park land standard of 1.5 acres per 1,000 residents, the application generates a need for .77 acres (33,454 SF) of urban park space. The applicant is proposing a dog walking area, a courtyard with outdoor kitchen and seating areas and a courtyard with pool. These spaces add up to approximately 36,500 SF or .84 acres. The spaces are enclosed by building or fencing. By definition urban park spaces should be open and available for public use. The open space shown on the plan does not meet that criterion.

The development plan could be redesigned to better meet the urban park standard by relocating the courtyard space along the North Kings Highway frontage. The space should be open to the public and utilize high quality design and materials. A plaza in this area could serve as a gathering place or performance space and would also contain special landscaping, fountains, sculpture or street furniture integrated into these sites and surrounding areas. Acknowledging the limited opportunity on-site, contributions to improve the existing nearby parks will address some park and recreation impacts.

The pedestrian circulation plan shows trails along the perimeter of the building and connecting the dog walking area to the courtyard/outdoor kitchen area. The applicant has designed a trail system to provide full pedestrian circulation around the development per previous Park Authority recommendation. This new trail design will be beneficial to both residents and dogs and provides a more complete pedestrian circulation network for the CBC.

**SUMMARY OF RECOMMENDATIONS**

The table shown lists the required and recommended recreation contribution amounts:

<b>Proposed Use</b>	<b>P-District Onsite Expenditure</b>	<b>Requested Park Proffer Amount</b>	<b>Total</b>
Multifamily units	\$365,500	\$457,216	\$822,716

- Redesign and relocate the open space to allow the open spaces to better perform as urban park spaces as described in the Urban Parks Framework

Please note the Park Authority would like to review and comment on proffers related to park and recreation issues. We request that draft and final proffers be submitted to the assigned reviewer noted below for review and comment prior to completion of the staff report and prior to final Board of Supervisors approval.

FCPA Reviewer: Pat Rosend  
DPZ Coordinator: William Mayland

Copy: Cindy Walsh, Director, Resource Management Division  
Chron Binder  
File Copy





## County of Fairfax, Virginia

## MEMORANDUM

**DATE:** February 1, 2012

**TO:** Bill Mayland, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Beth Forbes, Stormwater Engineer *BF*  
Site Development and Inspections Division  
Department of Public Works and Environmental Services

**SUBJECT:** Rezoning/Final Development Plan Application #RZ/FDP 2011-LE-016,  
Insight – Cityview, CDP/FDP dated June 7, 2011, LDS Project #5940-ZONA-  
001-1, Tax Map #83-3-04-A and 83-3-11-0002 through -0006, Lee District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site. Water quality controls are required for this development (PFM 6-0401.2A). A StormFilter is proposed to serve the site.

Floodplain

There are no regulated floodplains on the property.

Downstream Drainage Complaints

There are no recent downstream drainage complaints on file.

Stormwater Detention

Stormwater detention is required, if not waived (PFM 6-0301.3). An underground detention facility is located on the plan. A waiver for an underground detention facility in a residential area must accompany this case to the Board of Supervisors for approval (PFM 6-0303.8). A separate waiver request to DPWES is required.

Site Outfall

An outfall narrative has been provided, however, the extent of review does not meet the submittal requirements of 100 times the site area (ZO 18-202 paragraph 10.F(2)(c)). The site area upstream of Str 35 seems to be left out of the outfall calculations on Sheet 7.



Bill Mayland, Staff Coordinator

Rezoning/Final Development Plan Application #RZ/FDP 2011-LE-016, Insight – Cityview

February 1, 2012

Page 2 of 2

Drainage Divide

This property is within both the Belle Haven and Cameron Run Watersheds. Drainage diversions between the two watersheds cannot be approved (PFM 6-0202.2A(4)).

These comments are based on the 2011 version of the Public Facilities Manual (PFM). A new stormwater ordinance and updates to the PFM's stormwater requirements are under development. The site plan for this application may be required to conform to the updated PFM and the new ordinance.

Please contact me at 703-324-1720 if you require additional information.

BF/

cc: Fred Rose, Chief, Watershed Planning & Assessment Branch, Stormwater Planning  
Division, DPWES  
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, SDID, DPWES  
Zoning Application File





## County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 2, 2011

**TO:** Bill Mayland  
Zoning Evaluation Division  
Department of Planning & Zoning

**FROM:** Lana Tran (Tel: 703 324-5008)  
Wastewater Planning & Monitoring Division  
Department of Public Works & Environmental Services

**SUBJECT:** Sanitary Sewer Analysis Report

**REFERENCE:** Application No. RZ/FDP2011-LE-016  
Tax Map No. 083-3-/04/11/0002, 0003, 0004, 0005, 0006

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

1. The application property is located in the Cameron Run (J-1) watershed. It would be sewerred into the Alexandria Sanitation Authority (ASA).
2. Based upon current and committed flow, there is excess capacity in the ASA. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 8" inch line located in the street is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

<u>Sewer Network</u>	<u>Existing Use +Application</u>		<u>Existing Use + Application Previous Rezoning</u>		<u>Existing Use + Application + Comp Plan</u>	
	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>	<u>Adeq.</u>	<u>Inadeq.</u>
Collector	<u>X</u>	<u>      </u>	<u>X</u>	<u>      </u>	<u>X</u>	<u>      </u>
Submain	<u>X</u>	<u>      </u>	<u>X</u>	<u>      </u>	<u>X</u>	<u>      </u>
Main/Trunk	<u>X</u>	<u>      </u>	<u>X</u>	<u>      </u>	<u>X</u>	<u>      </u>
Interceptor	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
Outfall	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

5. Other pertinent information or comments:

Department of Public Works and Environmental Services  
Wastewater Planning & Monitoring Division  
12000 Government Center Parkway, Suite 358  
Fairfax, VA 22035-0052  
Phone: 703-324-5030, Fax: 703-324-3946





## County of Fairfax, Virginia

**MEMORANDUM**

DATE: July 25, 2011

**TO:** Barbara C. Berlin, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Eric Fisher, GIS Analyst III  
Information Technology Section  
Fire and Rescue Department

**SUBJECT:** Fire and Rescue Department Preliminary Analysis of Rezoning/Final  
Development Plan Application RZ/FDP 2011-LE-016

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #411, Penn Daw
2. After construction programmed \_\_\_\_\_ this property will be serviced by the fire station \_\_\_\_\_
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
  - X   a. currently meets fire protection guidelines.
  - \_\_\_\_\_ b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
  - \_\_\_\_\_ c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
  - \_\_\_\_\_ d. does not meet current fire protection guidelines without an additional facility. The application property is \_\_\_\_\_ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.







FAIRFAX COUNTY WATER AUTHORITY  
8560 Arlington Boulevard, Fairfax, Virginia 22031  
www.fairfaxwater.org

June 30, 2011

**PLANNING & ENGINEERING  
DIVISION**

Jamie Bain Hedges, P.E.  
Director  
(703) 289-6325  
Fax (703) 289-6382

Ms. Barbara Berlin, Director  
Fairfax County Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5505

Re: RZ 2011-LE-016  
FDP 2011-LE-016  
City View  
Tax Map: 83-3

Dear Ms. Berlin:

The following information is submitted in response to your request for a water service analysis for the above application:

1. The property can be served by Fairfax Water.
2. Adequate domestic water service is available at the site from existing 12-inch, 6-inch and 4-inch water mains. See the enclosed water system map.
3. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

If you have any questions regarding this information please contact Dave Guerra at (703) 289-6343.

Sincerely,

A handwritten signature in black ink that reads "Traci K. Goldberg".

Traci K. Goldberg, P.E.  
Manager, Planning Department

Enclosures  
cc: Clayton Tock, Urban, Ltd.

**PART 4    6-400   PRM   PLANNED RESIDENTIAL MIXED USE DISTRICT**

**6-401       Purpose and Intent**

The PRM District is established to provide for high density, multiple family residential development, generally with a minimum density of 40 dwelling units per acre; for mixed use development consisting primarily of multiple family residential development, generally with a density of at least twenty (20) dwelling units per acre, with secondary office and/or other commercial uses. PRM Districts should be located in those limited areas where such high density residential or residential mixed use development is in accordance with the adopted comprehensive plan such as within areas delineated as Transit Station Areas, and Urban and Suburban Centers. The PRM District regulations are designed to promote high standards in design and layout, to encourage compatibility among uses within the development and integration with adjacent developments, and to otherwise implement the stated purpose and intent of this Ordinance.

To these ends, rezoning to and development under this district will be permitted only in accordance with development plans prepared and approved in accordance with the provisions of Article 16.

**PART 1    16-100   STANDARDS FOR ALL PLANNED DEVELOPMENTS**

**16-101       General Standards**

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not



hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.

5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

#### **16-102 Design Standards**

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the PDH, PRM, PDC, PRC Districts the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration. In the PTC District, such provisions shall only have general applicability and only at the periphery of the Tysons Corner Urban Center, as designated in the adopted comprehensive plan.
2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

## **7-600 HIGHWAY CORRIDOR OVERLAY DISTRICT**

### **7-601 Purpose and Intent**

In furtherance of the purposes set forth in Sections 15.2-2200, 15.2-2283, 15.2-2284 and 15.2-1200 of Va. Code Ann. and, in general, to protect and promote the health, safety and general welfare of the public by the prevention or reduction of traffic congestion and/or danger in the public and private streets, a limitation is placed on certain automobile oriented, fast service, or quick turn-over uses by the imposition of the Highway Corridor Overlay District. Except as allowed by right or except as qualified by Sections 607 and 608 below, the following uses shall be regulated in the Highway Corridor Overlay District:

1. Drive-in financial institutions.
2. Fast food restaurants.
3. Quick-service food stores.
4. Service stations.
5. Service station/mini-marts.

Nothing herein shall be construed so as to impair a vested right.

## **7-1000 COMMERCIAL REVITALIZATION DISTRICTS**

### **7-1001 Purpose and Intent**

The Commercial Revitalization Districts are established to encourage economic development activities in the older commercial areas of the County in order to provide desirable employment and enlarge the tax base consistent with the provisions of Sections 15.2-200, 2283 and 2284 of the Code of Virginia, as amended. The districts are intended to enhance the older commercial areas of the County by providing for specific regulations which are designed to facilitate the continued viability and redevelopment of these areas. To that end, the districts are intended to provide for additional flexibilities for development and redevelopment in these areas while also providing for urban design measures such as streetscape and landscaping.

These districts shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in a Commercial Revitalization District shall also lie in one or more of the other zoning districts provided for by this Ordinance.



**GLOSSARY**

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dba:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dba value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area; information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.



**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		